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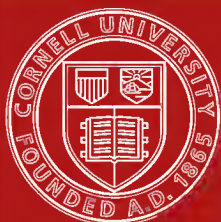
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**COPYRIGHT ENACTMENTS**  
OF THE  
**UNITED STATES**

**1783-1906**

Compiled by  
**THORVALD SOLBERG**  
REGISTER OF COPYRIGHTS

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**COPYRIGHT OFFICE BULLETIN NO. 3**  
SECOND EDITION, REVISED

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**WASHINGTON**  
GOVERNMENT PRINTING OFFICE  
1906

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## PREFATORY NOTE TO SECOND EDITION.

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COPYRIGHT OFFICE,

*Washington, D. C., July 15, 1906.*

The present edition of Copyright Office Bulletin No. 3, "United States Copyright Enactments," has been carefully revised, corrected, and brought down to date by the inclusion of such copyright laws as have been passed and such Presidential proclamations relating to copyright as have been issued since the printing of the last edition. It has been enlarged by the addition of the recent State laws enacted to protect dramatic and musical works; of new matter relative to copyright in the territorial possessions of the United States, and (in an Appendix) of some explanatory notes, including the decisions of the Treasury Department and the opinions of the Attorneys-General in relation to copyright.

It is a pleasant duty in printing this edition to acknowledge the helpful suggestions and assistance received from many persons interested in copyright, more especially from Augustus T. Gurlitz, Esq., of the New York bar; Judge Simeon E. Baldwin, of New Haven, Conn.; Edmund A. Whitman, Esq., of Messrs. Elder & Whitman, of Boston; Charles P. Montgomery, Esq., of the Customs Division of the Treasury Department, and Harry P. Mawson, Esq., of the American Dramatists Club of New York.

THORVALD SOLBERG,

*Register of Copyrights.*

HERBERT PUTNAM,

*Librarian of Congress.*



# CONTENTS.

(Arranged chronologically.)

	Page.
I. RESOLUTION OF THE COLONIAL CONGRESS RESPECTING COPYRIGHT, 1783.	
Resolution passed by the Colonial Congress, recommending the several States to secure to the authors or publishers of new books the copyright of such books. May 2, 1783.....	11
II. COPYRIGHT LAWS PASSED BY THE ORIGINAL STATES, 1783-1786.	
CONNECTICUT, 1783, JANUARY SESSION:	
An act for the encouragement of literature and genius .....	11
MASSACHUSETTS, 1783, MARCH 17:	
An act for the purpose of securing to authors the exclusive right and benefit of publishing their literary productions for twenty-one years ...	14
MARYLAND, 1783, APRIL 21:	
An act respecting literary property .....	15
NEW JERSEY, 1783, MAY 27:	
An act for the promotion and encouragement of literature.....	16
NEW HAMPSHIRE, 1783, NOVEMBER 7:	
An act for the encouragement of literature and genius, and for securing to authors the exclusive right and benefit of publishing their literary productions for twenty years .....	18
RHODE ISLAND, 1783, DECEMBER SESSION:	
An act for the purpose of securing to authors the exclusive right and benefit of publishing their literary productions for twenty-one years...	19
PENNSYLVANIA, 1784, MARCH 15:	
An act for the encouragement and promotion of learning by vesting a right to the copies of printed books in the authors or purchasers of such copies during the time therein mentioned .....	20
SOUTH CAROLINA, 1784, MARCH 26:	
An act for the encouragement of arts and sciences.....	21
VIRGINIA, 1785, OCTOBER:	
An act for securing to the authors of literary works an exclusive property therein for a limited time .....	24
NORTH CAROLINA, 1785, NOVEMBER 19:	
An act for securing literary property.....	25
GEORGIA, 1786, FEBRUARY 3:	
An act for the encouragement of literature and genius.....	27
NEW YORK, 1786, APRIL 29:	
An act to promote literature.....	29

## III. PROVISION OF THE CONSTITUTION.

Provision of the Constitution as to the copyright legislation by Congress ..... 31

IV. PUBLIC ACTS RELATING TO COPYRIGHT PASSED BY THE  
CONGRESS OF THE UNITED STATES, FROM 1790 TO 1905, INCLU-  
SIVE.

MAY 31, 1790 [ORIGINAL COPYRIGHT ACT], FIRST CONGRESS, SECOND SESSION,  
CHAPTER 15:

An act for the encouragement of learning by securing the copies of maps,  
charts, and books to the authors and proprietors of such copies during  
the times therein mentioned. (Statutes at Large, vol. 1, pp. 124-126.).. 32

APRIL 29, 1802, SEVENTH CONGRESS, FIRST SESSION, CHAPTER 36:

An act supplementary to an act intituled "An act for the encouragement  
of learning by securing the copies of maps, charts, and books to the  
authors and proprietors of such copies during the times therein men-  
tioned," and extending the benefits thereof to the arts of designing,  
engraving, and etching historical and other prints. (Statutes at Large,  
vol. 2, pp. 171-172.) ..... 34

FEBRUARY 15, 1819, FIFTEENTH CONGRESS, SECOND SESSION, CHAPTER 19:

An act to extend the jurisdiction of the circuit courts of the United States  
to cases arising under the law relating to patents [and copyrights].  
(Statutes at Large, vol. 3, pp. 481-482.) ..... 36

FEBRUARY 3, 1831 [FIRST REVISION], TWENTY-FIRST CONGRESS, SECOND SESSION,  
CHAPTER 16:

An act to amend the several acts respecting copyrights. (Statutes at  
Large, vol. 4, pp. 436-439.) ..... 37

JUNE 30, 1834, TWENTY-THIRD CONGRESS, FIRST SESSION, CHAPTER 157:

An act supplementary to the act to amend the several acts respecting  
copyrights. [Requiring the recording of assignments of copyrights.]  
(Statutes at Large, vol. 4, p. 728.) ..... 41

AUGUST 10, 1846, TWENTY-NINTH CONGRESS, FIRST SESSION, CHAPTER 178, SEC-  
TION 10:

An act to establish the "Smithsonian Institution." [Requiring the  
delivery of one copy of book, etc., to the librarian of the Smithsonian  
Institution and one copy to the Librarian of Congress.] (Statutes at  
Large, vol. 9, p. 106.) ..... 42

MARCH 3, 1855, THIRTY-THIRD CONGRESS, SECOND SESSION, CHAPTER 201, SEC-  
TION 5:

An act making appropriations for the service of the Post-Office Depart-  
ment during the fiscal year 1856. [Providing for the free transmission  
of copyright deposits.] (Statutes at Large, vol. 10, p. 685.) ..... 42

AUGUST 18, 1856, THIRTY-FOURTH CONGRESS, FIRST SESSION, CHAPTER 169:

An act supplemental to an act entitled "An act to amend the several acts  
respecting copyright," approved February 3, 1831. [Securing the sole  
right of representation in the case of dramatic compositions.] (Statutes  
at Large, vol. 11, pp. 138-139.) ..... 43

FEBRUARY 5, 1859, THIRTY-FIFTH CONGRESS, SECOND SESSION, CHAPTER 22, SEC-  
TIONS 6 AND 8:

An act providing for keeping and distributing all public documents. [Pro-  
viding for the removal of all copyright deposits and records from the  
Department of State to the Department of the Interior.] (Statutes at  
Large, vol. 11, pp. 380-381.) ..... 43

	Page.
FEBRUARY 18, 1861, THIRTY-SIXTH CONGRESS, SECOND SESSION, CHAPTER 37:	
An act to extend the right of appeal from decisions of circuit courts to the Supreme Court of the United States [in copyright cases]. (Statutes at Large, vol. 12, pp. 130-131.) .....	44
MARCH 3, 1865, THIRTY-EIGHTH CONGRESS, SECOND SESSION, CHAPTER 126:	
An act supplemental to an act entitled "An act to amend the several acts respecting copyright," approved February 3, 1831, and to the acts in addition thereto and amendments thereof. [Extending copyright protection to photographs, etc.] (Statutes at Large, vol. 13, pp. 540-541.) ..	44
FEBRUARY 18, 1867, THIRTY-NINTH CONGRESS, SECOND SESSION, CHAPTER 43:	
An act amendatory of several acts respecting copyrights. [Imposing a penalty of \$25 for failure to deposit copies in Library of Congress, and providing for the free transmission by mail of "copyright matter."] (Statutes at Large, vol. 14, p. 395.) .....	45
JULY 8, 1870 [SECOND REVISION], FORTY-FIRST CONGRESS, SECOND SESSION, CHAPTER 230, SECTIONS 85-111:	
An act to revise, consolidate, and amend the statutes relating to patents and copyrights. (Statutes at Large, vol. 16, pp. 212-217.) .....	46
JUNE 8, 1872, FORTY-SECOND CONGRESS, SECOND SESSION, CHAPTER 335, SECTION 184:	
An act to revise, consolidate, and amend the Statutes relating to the Post-Office Department. [Providing for the free transmission through the mails of copyright matter addressed to the Librarian of Congress.] (Statutes at Large, vol. 17, pp. 283, 306, 307.) .....	52
DECEMBER 1, 1873 [THIRD REVISION]—REVISED STATUTES, TITLE 13, THE JUDICIARY, CHAPTER 7, sec. 629; CHAPTER 11, sec. 699; CHAPTER 12, sec. 711; CHAPTER 18, sec. 972. (Statutes at Large, vol. 18, part 1, pp. 110, 111, 130, 134, 135, 183.) .....	52
DECEMBER 1, 1873 [THIRD REVISION]—REVISED STATUTES, TITLE 60, CHAPTER 3, COPYRIGHTS:	
(Statutes at Large, vol. 18, part 1, pp. 957-960.) .....	53
JUNE 18, 1874, FORTY-THIRD CONGRESS, FIRST SESSION, CHAPTER 301:	
An act to amend the law relating to patents, trade-marks, and copyrights. [Notice of copyright required; fees; registration of prints for articles of manufacture at Patent Office, etc.] (Statutes at Large, vol. 18, part 3, pp. 78-79.) .....	57
MARCH 3, 1879, FORTY-FIFTH CONGRESS, THIRD SESSION, CHAPTER 180, SECTION 15:	
An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes. [Providing against transmission through the mails of any publication which violates copyright.] (Statutes at Large, vol. 20, p. 359.) .....	58
AUGUST 1, 1882, FORTY-SEVENTH CONGRESS, FIRST SESSION, CHAPTER 366:	
An act to amend the statutes in relation to copyright. [Position of notice of copyright in the case of decorative articles.] (Statutes at Large, vol. 22, p. 181.) .....	59
MARCH 3, 1891 [SO-CALLED INTERNATIONAL COPYRIGHT ACT], FIFTY-FIRST CONGRESS, SECOND SESSION, CHAPTER 565:	
An act to amend title 60, chapter 3, of the Revised Statutes of the United States, relating to copyrights. [Extending copyright in certain cases to works by foreign authors.] (Statutes at Large, vol. 26, pp. 1106-1110.) ..	59

	Page.
FEBRUARY 9, 1893, FIFTY-SECOND CONGRESS, SECOND SESSION, CHAPTER 74, SECTION 8:	
An act to establish a court of appeals for the District of Columbia, and for other purposes. [Providing for a writ of error or appeal from the court of appeals of the District of Columbia to the Supreme Court of the United States in all copyright cases.] (Statutes at Large, vol. 27, pp. 434, 436.)	64
MARCH 3, 1893, FIFTY-SECOND CONGRESS, SECOND SESSION, CHAPTER 215:	
An act relating to copyrights. [Enabling act, giving the same effect to copies deposited prior to March 1, 1893, as to copies deposited "on or before publication."] (Statutes at Large, vol. 27, p. 743.)	64
JANUARY 12, 1895, FIFTY-THIRD CONGRESS, THIRD SESSION, CHAPTER 23, SECTION 52:	
An act providing for the public printing and binding and the distribution of public documents. [Providing that no Government publication shall be copyrighted.] (Statutes at Large, vol. 28, p. 608.)	65
MARCH 2, 1895, FIFTY-THIRD CONGRESS, THIRD SESSION, CHAPTER 194:	
An act to amend section 4965, chapter 3, title 60, of the Revised Statutes of the United States, relating to copyrights. [Providing damages in cases of infringement of photographs and works of art.] (Statutes at Large, vol. 28, p. 965.)	65
JANUARY 6, 1897, FIFTY-FOURTH CONGRESS, SECOND SESSION, CHAPTER 4:	
An act to amend title 60, chapter 3, of the Revised Statutes, relating to copyrights. [Enacting that unauthorized representation, willful and for profit, is a misdemeanor, punishable by imprisonment.] (Statutes at Large, vol. 29, pp. 481-482.)	66
FEBRUARY 19, 1897, FIFTY-FOURTH CONGRESS, SECOND SESSION, CHAPTER 265 [SECTION—LIBRARY OF CONGRESS]:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes. [Providing for the appointment of a Register of Copyrights.] (Statutes at Large, vol. 29, p. 545, 546.)	67
MARCH 3, 1897, FIFTY-FOURTH CONGRESS, SECOND SESSION, CHAPTER 392:	
An act to amend title 60, chapter 3, of the Revised Statutes of the United States, relating to copyrights. [Providing penalty for printing false claim of copyright and prohibiting the importation of articles bearing false claim of copyright.] (Statutes at Large, vol. 29, pp. 694-695.)	68
APRIL 17, 1900, FIFTY-SIXTH CONGRESS, FIRST SESSION, CHAPTER 192:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes. [Copyright Office.] (Statutes at Large, vol. 31, p. 95.)	69
JANUARY 7, 1904, FIFTY-EIGHTH CONGRESS, SECOND SESSION, CHAPTER 2:	
An act to afford protection to exhibitors of foreign literary, artistic, or musical works at the Louisiana Purchase Exposition. (Statutes at Large, vol. 33, part 1, pp. 4-5.)	70
MARCH 3, 1905, FIFTY-EIGHTH CONGRESS, THIRD SESSION, CHAPTER 1432:	
An act to amend section 4952 of the Revised Statutes. (Statutes at Large, vol. 33, part 1, pp. 1000-1001.)	72

	Page.
V. PRIVATE ACTS RELATING TO COPYRIGHT PASSED BY THE CONGRESS OF THE UNITED STATES, 1828-1898.	
MAY 24, 1828, TWENTIETH CONGRESS, FIRST SESSION, CHAPTER 145:	
An act to continue a copyright to John Rowlett. (Statutes at Large, vol. 6, pp. 389-390.) .....	73
FEBRUARY 11, 1830, TWENTY-FIRST CONGRESS, FIRST SESSION, CHAPTER 13:	
An act to amend "An act to continue a copyright of John Rowlett." (Statutes at Large, vol. 6, p. 403.) .....	73
MARCH 3, 1843, TWENTY-SEVENTH CONGRESS, THIRD SESSION, CHAPTER 140:	
An act supplemental to the act of the 24th May, 1828, to continue a copyright to John Rowlett. (Statutes at Large, vol. 6, p. 897.) .....	74
FEBRUARY 19, 1849, THIRTIETH CONGRESS, SECOND SESSION, CHAPTER 57:	
An act for the relief of Levi H. Corson, and for other purposes. (Statutes at Large, vol. 9, p. 763.) .....	74
AUGUST 2, 1854, THIRTY-THIRD CONGRESS, FIRST SESSION, CHAPTER 187:	
An act for the purchase of the copyright of a work published by Thomas H. Sumner, wherein he describes his new method of ascertaining a ship's position at sea. (Statutes at Large, vol. 10, p. 810.) .....	75
JANUARY 25, 1859, THIRTY-FIFTH CONGRESS, SECOND SESSION, CHAPTER 16:	
An act for the relief of Mistress Henry R. Schoolcraft. (Statutes at Large, vol. 11, pp. 557-558.) .....	76
MAY 24, 1866, THIRTY-NINTH CONGRESS, FIRST SESSION, CHAPTER 99:	
An act for the relief of Mrs. William L. Herndon. (Statutes at Large, vol. 14, p. 587.) .....	76
JUNE 23, 1874, FORTY-THIRD CONGRESS, FIRST SESSION, CHAPTER 534:	
An act for the relief of William Tod Helmuth, of New York. (Statutes at Large, vol. 18, part 3, p. 618.) .....	76
FEBRUARY 17, 1898, FIFTY-FIFTH CONGRESS, SECOND SESSION, CHAPTER 29:	
An act for the relief of Judson Jones. (Statutes at Large, vol. 30, p. 1396.) .....	77
VI. TERRITORIAL POSSESSIONS OF THE UNITED STATES.	
HAWAII, PORTO RICO, AND THE PHILIPPINE ISLANDS.	
Preliminary note .....	78
APRIL 30, 1900, FIFTY-SIXTH CONGRESS, FIRST SESSION, CHAPTER 339:	
An act to provide a government for the territory of Hawaii. (Statutes at Large, vol. 31, pp. 141, 142.) .....	79
JUNE 23, 1888, LAWS OF HAWAII, 1888, CHAPTER 111:	
An act to provide for the registration of copyrights .....	80
APRIL 12, 1900, FIFTY-SIXTH CONGRESS, FIRST SESSION, CHAPTER 191, SECTION 8:	
An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes. (Statutes at Large, vol. 31, p. 79.) .....	82
DECEMBER 2, 1898, OPINION OF THE ATTORNEY-GENERAL: COPYRIGHTS	
Cuba, Puerto Rico, the Philippine Islands .....	82
JULY 6, 1904, OPINION OF THE ATTORNEY-GENERAL: Philippine Islands—Copyright and Trade-Mark Laws.....	84

## VII. INTERNATIONAL COPYRIGHT RELATIONS.

## (a) PROCLAMATIONS ISSUED BY THE PRESIDENT, EXTENDING COPYRIGHT TO CITIZENS OF CERTAIN FOREIGN COUNTRIES, 1891-1905.

PROCLAMATION OF JULY 1, 1891: Belgium, France, Great Britain and her possessions, and Switzerland .....	87
PROCLAMATION OF APRIL 15, 1892: Germany .....	88
PROCLAMATION OF OCTOBER 31, 1892: Italy .....	89
PROCLAMATION OF MAY 8, 1893: Denmark .....	90
PROCLAMATION OF JULY 20, 1893: Portugal .....	91
PROCLAMATION OF JULY 10, 1895: Spain .....	92
PROCLAMATION OF FEBRUARY 27, 1896: Mexico .....	93
PROCLAMATION OF MAY 25, 1896: Chile .....	94
PROCLAMATION OF OCTOBER 19, 1899: Costa Rica .....	95
PROCLAMATION OF NOVEMBER 20, 1899: Netherlands (Holland) and possessions .....	96
PROCLAMATION OF NOVEMBER 17, 1903: Cuba .....	97
PROCLAMATION OF JULY 1, 1905: Norway .....	98

## (b) TREATIES WITH CERTAIN FOREIGN COUNTRIES RELATING TO COPYRIGHT, 1899-1906.

TREATY OF PEACE WITH SPAIN, April 11, 1899 .....	99
TREATY BETWEEN THE UNITED STATES AND CHINA for the extension of commercial relations between them, January 13, 1904 .....	100
COPYRIGHT CONVENTION BETWEEN THE UNITED STATES AND JAPAN, May 10, 1906 .....	103

## VIII. APPENDIX.

## STATE LAWS TO PROTECT DRAMATIC AND MUSICAL WORKS.

NEW HAMPSHIRE, law of March 13, 1895 .....	105
NEW YORK, law of September 1, 1899 .....	106
LOUISIANA, law of July 9, 1900 .....	106
OREGON, law of February 27, 1901 .....	107
PENNSYLVANIA, law of May 29, 1901 .....	107
OHIO, law of March 25, 1902 .....	108
NEW JERSEY, law of April 10, 1902 .....	108
MASSACHUSETTS, law of March 29, 1904 .....	109
MINNESOTA, law of March 15, 1905 .....	109
CALIFORNIA, law of March 18, 1905 .....	110
WISCONSIN, law of June 1, 1905 .....	111
CONNECTICUT, law of June 7, 1905 .....	111
MICHIGAN, law of June 16, 1905 .....	112

## IX. NOTES.

No. 1. Connecticut laws, October session, 1812, Chapter 9 .....	113
No. 2. Massachusetts Bay Colony, ordinance of May 15, 1672 .....	113
No. 3. Franking privilege for copyright deposits .....	113
No. 4. Type-setting in the Philippine Islands .....	114
No. 5. Free lists of tariff acts of 1890 and 1897 .....	115
No. 6. Treasury Department decisions and Opinions of the Attorneys-General concerning importation .....	119
No. 7. Forfeiture in case of illegal importation .....	142
No. 8. Importation under the act of January 7, 1904 .....	142

## X. INDEX.



# COPYRIGHT ENACTMENTS.

## I.

RESOLUTION PASSED BY THE COLONIAL CONGRESS, RECOMMENDING THE SEVERAL STATES TO SECURE TO THE AUTHORS OR PUBLISHERS OF NEW BOOKS THE COPYRIGHT OF SUCH BOOKS. MAY 2, 1783.

### COPYRIGHT IN CONGRESS.

On the report of a committee, consisting of Mr. 1  
1783, Williamson, Mr. Izard and Mr. Madison, to whom  
Friday, May 2. were referred sundry papers and memorials on the  
subject of literary property.

*Resolved*, That it be recommended to the several States, to secure 5  
to the authors or publishers of any new books not hitherto printed,  
being citizens of the United States, and to their executors, adminis-  
trators and assigns, the copy right of such books for a certain time not  
less than fourteen years from the first publication; and to secure to  
the said authors, if they shall survive the term first mentioned, and to 10  
their executors, administrators and assigns, the copy right of such  
books for another term of time not less than fourteen years, such copy  
or exclusive right of printing, publishing and vending the same, to be  
secured to the original authors, or publishers, their executors, admin-  
istrators and assigns, by such laws and under such restrictions as to the 15  
several States may seem proper.

In "Journal of the United States in Congress assembled, Containing the Pro-  
ceedings from Nov. 1782, to Nov. 1783." Printed by order of Congress. Vol. 8,  
8vo. Philadelphia, D. C. Claypoole, 1783, pp. 256-257.

Also printed in "Journals of the American Congress: from 1774 to 1788." 20  
Vol. 4, 8vo. Washington, Way & Gideon, 1823, p. 219.

## II.

COPYRIGHT LAWS PASSED BY THE ORIGINAL STATES: 1783-1786.

### CONNECTICUT.

AN ACT for the encouragement of literature and genius.

Whereas it is perfectly agreeable to the principles of  
1783, natural equity and justice, that every author should be 25  
Jan. Sess. secured in receiving the profits that may arise from the  
sale of his works, and such security may encourage men of learning  
and genius to publish their writings; which may do honor to their  
country, and service to mankind.

1 *Be it enacted by the governor, council and representatives, in general court assembled, and by the authority of the same,* That the author of any book or pamphlet not yet printed, or of any map or chart, being an inhabitant or resident in these United States, and his heirs  
5 and assigns, shall have the sole liberty of printing, publishing and vending the same within this State, for the term of fourteen years, to commence from the day of its first publication in this State. And if any person or persons within the said term of fourteen years as aforesaid, shall presume to print or re-print any such book, pamphlet, map  
10 or chart within this State, or to import or introduce into this State for sale, any copies thereof, re-printed beyond the limits of this State, or shall knowingly publish, vend and utter, or distribute the same without the consent of the proprietor thereof in writing, signed in the presence of two credible witnesses, every such person or persons shall  
15 forfeit and pay to the proprietor of such book, pamphlet, map or chart double the value of all the copies thereof, so printed, imported, distributed, vended, or exposed for sale; to be recovered by such proprietor in any court of law in this State, proper to try the same.

*Provided nevertheless,* That no author, assignee or proprietor of any  
20 such book, pamphlet, map or chart shall be entitled to take the benefit of this statute, until he shall duly register his name as author, assignee, or proprietor, with the title thereof, in the office of the Secretary of this State, who is hereby empowered and directed to enter the same on record.

*And be it further enacted by the authority aforesaid,* That at the  
25 expiration of the said term of fourteen years, in the cases above mentioned, the sole right of printing and disposing of any such book, pamphlet, map or chart in this State, shall return to the author thereof, if then living, and his heirs and assigns, for the term of fourteen years more, to commence at the end of said first term; and that all and every  
30 person or persons who shall re-print, import, vend, utter or distribute in this State, any copies thereof without the consent of such proprietor, obtained as aforesaid, during said second term of fourteen years, shall be liable to the same penalties, recoverable in the same manner as is herein before enacted and provided.

35 And whereas it is equally necessary, for the encouragement of learning, that the inhabitants of this State be furnished with useful books, &c., at reasonable prices:

*Be it further enacted,* That whenever any such author or proprietor of such book, pamphlet, map or chart, shall neglect to furnish the  
40 public with sufficient editions thereof, or shall sell the same at a price unreasonable, and beyond what may be adjudged a sufficient compensation for his labour, time, expence, and risque of sale, the judge of the superior court in this State, on complaint thereof made to him in writing, is hereby authorized and empowered to summon such author  
45 or proprietor to appear before the next superior court, to be holden in that county where such author or proprietor dwells, if a resident in this State, if not, in that county where such complainant dwells;

and said court are hereby authorized and impowered to enquire into the justice of said complaint, and if the same be found true, to take such sufficient recognizance and security of such author or proprietor, conditioned that he shall within such reasonable time, as said court shall direct, publish and offer for sale in this State, a sufficient number of copies of such book, pamphlet, map, or chart, at such reasonable price as said court shall, on due consideration affix: And if such author or proprietor shall, before said court, neglect or refuse to give such security as aforesaid, the said court are hereby authorized and impowered to give such complainant, a full and ample licence to re-print and publish such book, pamphlet, map or chart, in such numbers and for such term as said court shall judge just and reasonable: *Provided* said complainant shall give sufficient security before said court, to afford said reprinted edition at such reasonable price as said court shall thereto affix.

*And be it further enacted*, That any person or persons who shall procure and print any unpublished manuscript, without the consent and approbation of the author or proprietor thereof, first had and obtained, (if such author or proprietor be living, and resident in, or inhabitant of these United States) shall be liable to suffer and pay to the said author or proprietor his just damages for such injury; to be recovered by action brought on this statute, in any court of law in this State, proper to try the same.

*Provided always*, That nothing in this act shall extend to affect, prejudice or confirm the rights which any person may have to the printing or publishing of any book, pamphlet, map or chart, at common law, in cases not mentioned in this act, or to screen from legal punishment any person or persons who may be guilty of printing or publishing any book, pamphlet or paper that may be prophane, treasonable, defamatory, or injurious to government, morals or religion.

*Provided also*, That this act shall not extend, or be construed to extend in favour, or for the benefit of any author or persons residing in, or inhabitant of any other of the United States, until the State or States, in which such person or persons reside or dwell, shall have passed similar laws in favour of the authors of new publications, and their heirs and assigns.

(NOTE.—This act was repealed by the act, Chapter IX, October session, 1812 of the general assembly of State of Connecticut, "Public State Laws of the State of Connecticut, Book II, October Session, 1812," p. 104. For text of this act see note 1, page 113.)

In "Acts and Laws of the State of Connecticut, in America [Compiled by Roger Sherman and Richard Law]." fol. New-London, printed by Timothy Green, 1784, pp. 133-134.

In "Acts and laws of Connecticut [by R. Sherman and R. Law." 2d issue.] 8vo. Hartford, E. Babcock, 1786, pp. 133-134.

In "Acts and laws of the State of Connecticut. [Compiled by Chauncey Goodrich, Jonathan Brace, and Enoch Perkins.]" 8vo. Hartford, Hudson & Goodwin, 1796-[1798], pp. 282-284.

- 1 In "Acts and laws of the State of Connecticut." 8vo. Hartford, Hudson & Goodwin, 1805, pp. 282-284.  
 In "The public statute law of the State of Connecticut. [Compiled by J. Treadwell, Enoch Perkins, and Thomas Day.]" Book 1, 8vo. Hartford,  
 5 Hudson & Goodwin, 1808, pp. 474-476.

MASSACHUSETTS.<sup>a</sup>

AN ACT for the purpose of securing to authors the exclusive right and benefit of publishing their literary productions, for twenty-one years.

- 10 1783, Whereas the improvement of knowledge, the progress  
 March 17. of civilization, the public weal of the community, and the advancement of human happiness, greatly depend on the efforts of learned and ingenious persons in the various arts and sciences: As the principal encouragement such persons can have to make great  
 15 and beneficial exertions of this nature, must exist in the legal security of the fruits of their study and industry to themselves; and as such security is one of the natural rights of all men, there being no property more peculiarly a man's own than that which is produced by the labour of his mind:

- 20 Therefore, to encourage learned and ingenious persons to write useful books for the benefit of mankind:

- Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all books, treatises, and other literary works, having the name or names of the  
 25 author or authors thereof printed and published with the same, shall be the sole property of the said author or authors, being subjects of the United States of America, their heirs and assigns, for the full and complete term of twenty-one years, from the date of their first publication.

- And be it further enacted by the authority aforesaid,* That if any  
 30 person or persons shall print, re-print, publish, sell or expose to sale, or shall cause to be printed, re-printed, published, sold, or exposed to sale, any book, treatise, or other literary work, not yet printed, written by any subject of the United States of America, whose name, as author, shall have been thereto prefixed, without consent of the author  
 35 or authors, or their assigns, during said term, shall forfeit and pay a sum not exceeding *three thousand pounds*, nor less than *five pounds*, to the use of such author or authors, or their assigns; to be recovered by action of debt in any court of record proper to try the same. Provided always, that every author of such book, treatise, or other literary  
 40 work shall, in order to his holding such sole property in them, present two printed copies of each and every of them to the library of the University of Cambridge, for the use of the said university; and prior to the recovery of the said forfeiture, or any part thereof, shall produce, in

- <sup>a</sup>NOTE.—An interesting early "order" of the Massachusetts Bay Colony, enacted  
 45 May 15, 1672, provided for the enforcement of contracts between authors and printers to prevent the printing of more copies of an author's books than the author himself had agreed upon. For the full text of this document see Note 2, page 113.

open court where such action shall be tried, a receipt of such book, 1  
treatise, or other literary work from the librarian of the said university  
for the time being. Provided also, that this act shall not be construed  
to extend in favor or for the benefit of any author or authors, subject  
or subjects of any other of the United States, until the State or States 5  
of which such authors are subjects shall have passed similar laws for  
securing to authors the exclusive right and benefit of publishing their  
literary productions.

(This act passed March 17, 1783. Chap. 26, of the "Acts and laws  
passed by the great and general court or assembly of Massachusetts: 10  
Begun and held at Boston, the 29th of May, A. D. 1782; and from  
thence continued by adjournments to Wednesday, the 29th of January  
following, and then met.")

In "Acts and laws of the Commonwealth of Massachusetts." fol. Boston,  
B. Edes & Sons, 1781-['83], p. 236.

In "The perpetual laws of the Commonwealth of Massachusetts, 1780 to 1789." 15  
fol. Boston, Adams & Nourse, 1789, pp. 369-370.

In "The general laws of Massachusetts, from the adoption of the Constitution,  
to 1822. By Asabel Stearns and Lemuel Shaw, commissioners; Theron Metcalf,  
editor." Vol. 1, 8vo. Boston, 1823, pp. 80-81.

## MARYLAND.

20

## AN ACT respecting literary property.

Whereas printers, booksellers, and other persons may  
1783, take the liberty of printing, reprinting, and publishing,  
April 21. or causing to be printed, reprinted, and published, books 25  
and other writings, without the consent of the authors or proprietors  
of such books and writings, to their great injury: For preventing  
therefore such practices, and for the encouragement of learned men,

II. *Be it enacted by the general assembly of Maryland,* That the  
author of any book or books, writing or writings, already composed 30  
and not printed or published, or that shall be hereafter composed, and  
his executors, administrators, or assigns, shall have the sole liberty of  
printing and reprinting such book or books, writing or writings, for the  
term of fourteen years, to commence from the day of the first publish-  
ing of the same; and that if any other person whatsoever, within the 35  
time granted and limited by this act as aforesaid, shall print, reprint  
import or bring into the State, or cause to be printed, reprinted,  
imported or brought into the State, any such book or books, writing  
or writings, without the consent of the proprietor or proprietors  
thereof first had and obtained in writing, signed in the presence of two 40  
or more witnesses, or knowing the same to be so printed, reprinted,  
imported or brought into the State, without the consent of the pro-  
rietors, shall sell, publish, or expose to sale, any such book or books,  
writing or writings, without such consent first had and obtained as  
aforesaid, then such offender or offenders shall forfeit such book or 45

1 books, writing or writings, to the proprietor or proprietors; and  
 further, that every such offender or offenders shall forfeit two-pence  
 for every sheet which shall be found in his, her, or their custody,  
 either printed or printing, published or exposed to sale, contrary to  
 5 the true intent and meaning of this act.

III. And, whereas many persons may through ignorance offend against  
 this act, unless some provision be made, whereby the property in every  
 such book as is intended by this act to be secured to the proprietor  
 or proprietors thereof may be ascertained: Therefore, be it enacted  
 10 that nothing in this act contained shall be construed to extend to sub-  
 ject any person whatsoever to the forfeitures and penalties herein men-  
 tioned, or by reason of the printing, reprinting, importing, bringing  
 into the State, or causing to be brought into the State, selling or  
 exposing to sale, of any book or books, writing or writings, without  
 15 the consent of the proprietor or proprietors, unless the title to the copy  
 of such book or books, writing or writings, hereafter published, shall,  
 before such publication by the proprietor or proprietors, be entered  
 into a register, to be kept by the clerk of the general court for that  
 purpose; which register may, at all reasonable and convenient times,  
 20 be resorted to and inspected by any person, for the purpose before  
 mentioned, without any fee or reward; and the clerk aforesaid, when  
 and as often as thereunto required, shall give a certificate under his  
 hand of such entry or entries, and for every such certificate may take  
 and receive a fee of three shillings and nine-pence.

25 IV. *And be it enacted*, That all actions or informations for any  
 offence that shall be committed against this act, shall be brought and  
 commenced within twelve months after such offence committed, or the  
 same shall be void and of none effect.

V. *Provided always*, That after the expiration of the aforesaid term  
 30 of fourteen years, the sole right of printing or disposing of copies shall  
 return to the authors thereof, if they are then living, for another term  
 of fourteen years.

VI. This act to commence and be in force from and after the time  
 that similar laws shall be passed respecting literary property in all  
 35 and every of the United States.

In "Laws of Maryland, made and passed, at a session of assembly, begun and  
 held at the city of Annapolis on Monday the 21st of April, 1783." fol. Annap-  
 olis, F. Green, printer to the State [1783], chapter 34.

[The pages are not numbered.]

#### AN ACT for the promotion and encouragement of literature.

Whereas learning tends to the embellishment of human  
 1783, nature, the honour of the nation, and the general good of  
 May 27. mankind; and as it is perfectly agreeable to the princi-  
 45 ples of equity, that men of learning who devote their time and talents

to the preparing treatises for publication, should have the profits that 1  
may arise from the sale of their works secured to them: Therefore,

SEC. 1. *Be it enacted by the council and general assembly of this State, and it is hereby enacted by the authority of the same,* That the 5  
author of any book or pamphlet not yet printed, being an inhabitant  
or resident in the United States of America, and his heirs and assigns,  
shall have the exclusive right of printing, publishing, and vending the  
same within this State for the term of fourteen years, to commence  
from the day of its first publication in this State; and if any person  
or persons within said term of fourteen years, as aforesaid, shall pre- 10  
sume to print any such book or pamphlet within this State, or to  
introduce into this State for sale any copies of such book or pamphlet  
printed beyond the limits of this State, or shall knowingly publish,  
vend, utter, or distribute the same without the consent of the author  
or proprietor thereof in writing, duly attested, every such person or 15  
persons shall forfeit and pay to the author or proprietor of such book  
or pamphlet double the value of all the copies of such book or pam-  
phlet so printed, introduced, distributed, vended, or exposed for sale,  
to be recovered by such author or proprietor in any court of this  
State where the same may be cognizable: *Provided, nevertheless,* That 20  
no author, assignee, or proprietor of any such book or pamphlet  
shall be entitled to the benefit of this act until he shall duly register  
his name as author, assignee, or proprietor, with the title of such book  
or pamphlet in the secretary's office of this State, who is hereby  
required to enter the same on record. 25

2. *And be it further enacted by the authority aforesaid,* That at the  
expiration of said term of fourteen years, in the cases herein before  
mentioned, the exclusive right of printing and disposing of any such  
book or pamphlet in this State, shall return to the author thereof, if  
then living, his heirs and assigns, for the term of fourteen years more; 30  
and that all and every person or persons who shall re-print, import,  
vend, utter, or distribute in this State any copies thereof without the  
consent of such author or proprietor obtained as aforesaid, during said  
second term of fourteen years, shall be liable to the same penalties, to  
be recovered in the same manner as is herein before directed. 35

Passed at Burlington, May 27, 1783.

(*Note.*—This act was repealed 23d session, 3d sitting, 1799.)

Taken from "Acts of the seventh general assembly of the State of New Jersey,  
at a session begun at Trenton, on the 22d day of October, 1782, and continued  
by adjournments, being the second sitting." fol. Trenton, printed by Isaac 40  
Collins, Printer to the State, 1783. Chapter 21, p. 47.

Also printed in "Acts of the general assembly of the State of New Jersey,  
from the establishment of the present government to December, 1783. Com-  
piled by Peter Wilson." fol. Trenton, Isaac Collins, 1784, pp. 325-326.

## 1 NEW HAMPSHIRE.

AN ACT for the encouragement of literature and genius, and for securing to authors the exclusive right and benefit of publishing their literary productions, for twenty years.

5                   1783,           As the improvement of knowledge, the progress of  
                   Nov. 7.       civilization, and the advancement of human happiness,  
                           greatly depend on the efforts of ingenious persons in the  
 various arts and sciences; as the principal encouragement such persons  
 can have to make great and beneficial exertions of this nature, must  
 10 consist in the legal security of the fruits of their study and industry  
 to themselves; and as such security is one of the natural rights of all  
 men, there being no property more peculiarly a man's own than that  
 which is produced by the labour of his mind: Therefore, to encourage  
 the publication of literary productions, honorary and beneficial to the  
 15 public,

*Be it enacted by the council and house of representatives in general  
 assembly convened, and by the authority of the same, That all books,  
 treatises, and other literary works, having the name or names of the  
 author or authors thereof, printed and published with the same, shall*  
 20 *be the sole property of the said author or authors, being subjects of*  
*the United States of America, their heirs and assigns, for the full and*  
*complete term of twenty years from the date of their first publication.*

*And it is further enacted by the authority aforesaid, That if any per-  
 son or persons shall print, re-print, publish, sell, or expose to sale; or*  
 25 *shall cause to be printed, re-printed, published, sold, or exposed to sale,*  
*any book, treatise, or other literary work, not yet printed, written by*  
*any subject of the United States of America whose name as author*  
*shall have been thereto prefixed without the consent of the author or*  
*authors, or their assigns, during said term, shall forfeit and pay a sum*  
 30 *not exceeding one thousand pounds nor less than five pounds, to the*  
*use of such author or authors, or their assigns; to be recovered by*  
*action of debt in any court of record proper to try the same. .*

*Provided always, That this act shall not be construed to extend in  
 favour, or for the benefit of any author or authors, subject or subjects*  
 35 *of any other of the United States, until the State or States of which*  
*such authors are subjects shall have passed similar laws for securing*  
*to authors the exclusive right and benefit of publishing their literary*  
*productions.*

(*Note.*—This Act was included in the list of acts repealed, contained  
 40 in title 30, chap. 230, of “The Revised Statutes, passed December 23,  
 1842,” pp. 475-477.)

In “The Perpetual Laws of the State of New-Hampshire, from July, 1776, to  
 the session in December, 1788, continued into 1789.” 8vo. Portsmouth, J. Mel-  
 cher, 1789, pp. 161-162.

45 In “The laws of the State of New-Hampshire.” 8vo. Portsmouth, J. Mel-  
 cher, 1792, pp. 277-278.



In "The laws of New-Hampshire." 8vo. Portsmouth, J. Melcher, 1797, . 1  
pp. 308-309.

In "Constitution and laws of the State of New-Hampshire." 8vo. Dover,  
S. Bragg, jr., 1805, pp. 294-295.

In "The laws of New-Hampshire." 8vo. Exeter, C. Norris & Co., 1815, 5  
pp. 365-366.

In "The laws of New-Hampshire." 8vo. Hopkinton, I. Long, jr., 1830,  
pp. 174-175.

## RHODE ISLAND.

AN ACT for the purpose of securing to authors the exclusive right and benefit of 10  
publishing their literary productions, for twenty-one years.

Whereas the improvement of knowledge, the progress  
1783, of civilization, the public weal of the community, and the  
Dec. sess. advancement of human happiness, greatly depend on the  
efforts of learned and ingenious persons, in the various arts and 15  
sciences; as the principal encouragement such persons can have to  
make great and beneficial exertions of this nature, must exist in the  
legal security of the fruits of their study and industry to themselves;  
and as such security is the natural right of all men, there being no  
property more peculiarly a man's own than that which is produced 20  
by the labour of his mind;

*Be it therefore enacted by this general assembly, and by the authority  
thereof it is enacted,* That all books, treatises, and other literary pro-  
ductions, having the name of the author or authors thereof published  
and printed with the same, shall be the sole property of such author 25  
or authors, being citizens of the United States of America, their heirs  
and assigns, for the full and complete term of twenty-one years from  
the date of the publication.

*And be it further enacted by the authority aforesaid,* That if any  
person or persons shall print, reprint, publish, sell, or expose to sale, 30  
or shall cause to be printed, reprinted, published, sold, or exposed to  
sale, any book, treatise, or other literary production, not yet printed,  
written by any citizen or citizens of the United States of America,  
whose name or names, as author or authors, shall be thereto prefixed,  
without the consent of the author or authors, or their assigns, during 35  
the said term of twenty-one years, shall forfeit and pay a sum not  
exceeding three thousand pounds, lawful money, nor less than five  
pounds, to the use of such author or authors, or their assigns, to be  
recovered by action of debt, in any court of record proper to try the  
same. 40

*Provided nevertheless, and it is further enacted,* That this act shall  
not be construed to extend to the favour or benefit of any author or  
authors, being a citizen or citizens of any other of the said United  
States, until the State whereof he or they are citizen or citizens  
shall pass similar laws for securing to authors the exclusive right 45  
and benefit of publishing their literary productions.

- 1 Printed in "December, 1783. At the general assembly of the governor and company of the State of Rhode-Island and Providence-Plantations, begun and holden at East-Greenwich on the 4th Monday of December, 1783." fol. [Providence, printed by J. Carter, 1783,] pp. 6-7.

5 PENNSYLVANIA.

AN ACT for the encouragement and promotion of learning by vesting a right to the copies of printed books in the authors or purchasers of such copies, during the time therein mentioned.

- 10       1784,  
March 15.       SEC. I. Whereas the honorable the Congress of the United States, by their resolution of the second day of May, one thousand seven hundred and eighty-three, have recommended to the several States to secure to the authors or publishers of any new books not hitherto printed, being citizens of the United States, and to their executors, administrators, and assigns, the copy  
15 right of such books for a certain time.

- SEC. II. And whereas printers, booksellers, and other persons have heretofore frequently taken the liberty of printing, reprinting, and publishing, or causing to be reprinted and published books and other writings without the consent of the author or proprietors of such books  
20 and writings, to their very great detriment and the damage of their families; for preventing, therefore, such practice for the future, and for the encouragement of learned men to compose and write useful books; and in order to give all due force to the recommendations of Congress:

- 25 SEC. III. *Be it enacted, and it is hereby enacted by the representatives of the freemen of the Commonwealth of Pennsylvania in general assembly met, and by the authority of the same,* That from and after the passing of this act, the author of any book or pamphlet not yet  
30 and assigns, shall have the exclusive right of printing, publishing, and vending the same within this State for the term of fourteen years, to commence from the day of its first printing or publication in this State; and if any person or persons within the term of fourteen years as aforesaid, shall presume to print, publish, vend, or distribute any  
35 such book or pamphlet within this State; or to introduce into this State for sale any copies of such book or pamphlet, printed beyond the limits of this State, without the consent of the author or proprietor thereof first lawfully obtained, every such person or persons shall forfeit and pay to the author or proprietor of such book or pamphlet double the  
40 value of all the copies of such book or pamphlet so printed, published, vended, distributed or introduced for sale, to be recovered by such author or proprietor in any court of this State where the same may be cognizable; or, if under the value of five pounds, before any two justices of the county where such offense is committed;

- 45 SEC. IV. *Provided nevertheless,* That no author, assignee, or pro-

prietor of any such book or pamphlet shall be entitled to the benefit 1  
of this act, until he shall duly register his name as author, assignee, or  
proprietor, with the title of such book or pamphlet, in the prothono-  
tary's office in the city of Philadelphia, who is hereby required to  
enter the same on record; for which he shall receive five shillings and 5  
no more.

SEC. V. *And be it further enacted by the authority aforesaid,* That  
at the expiration of the aforesaid term of fourteen years in the cases  
herein before mentioned, the exclusive right of printing and disposing  
of any such book or pamphlet in this State, shall return to the author 10  
thereof, if then living, his heirs and assigns, for the term of fourteen  
years more; and that all and every person or persons who shall reprint,  
publish, vend, distribute, or import within this State any copies thereof  
without the consent of such author or proprietor obtained as afore-  
said, during said second term of fourteen years, shall be liable to the 15  
same penalties, to be recovered in the same manner as is herein before  
directed.

SEC. VI. *And provided also,* That no author or proprietor of any  
book or pamphlet shall be entitled to the benefit of this act unless he  
shall insert on the back of the title page a copy of the certificate of 20  
entry obtained of the prothonotary aforesaid, which the said prothono-  
tary is hereby required to grant without any further reward.

SEC. VII. *Provided nevertheless,* That this act shall not take place  
until such time as all and every of the States in the Union shall have  
passed laws similar to the same, in conformity to the recommendation 25  
of Congress aforesaid.

Signed by order of the House,

GEORGE GRAY, *Speaker.*

Enacted into a law at Philadelphia, on Monday the fifteenth day of  
March, in the year of our Lord one thousand seven hundred and 30  
eighty-four.

PETER Z. LLOYD,  
*Clerk of the General Assembly.*

In "Laws enacted in the second sitting of the eighth general assembly of the  
Commonwealth of Pennsylvania, which commenced the 13th day of Jan., 1784." 35  
fol. [Philadelphia, T. Bradford, 1784], pp. 306-308, Chapter 125.

## SOUTH CAROLINA.

AN ACT for the encouragement of arts and sciences.

1784,  
March 26. *Be it enacted by the honorable the senate and house of  
representatives, now met and sitting in general assembly,* 40  
*and by the authority of the same,* That from and after the  
first day of January, one thousand seven hundred and eighty-four, the  
author of any book or books already printed, who hath not transferred  
to any other the copy or copies of such book or books, share or shares

1 thereof, or the bookseller or booksellers, printer or printers, or other  
person or persons, who hath or have purchased or acquired the copy  
or copies of any book or books, in order to print or re-print the same,  
shall have the sole right and liberty of printing such book and books,  
5 for the term of fourteen years, to commence from the said first day of  
January, and no longer; and that the author of any book or books  
already composed, and not printed and published, or that shall here-  
after be composed, and his assignee or assigns, shall have the sole  
liberty of printing and re-printing such book or books for the said  
10 term of fourteen years, to commence from the day of first publishing  
the same, and no longer; and that if any other bookseller, printer or  
any other person whatsoever, from and after the first day of January,  
one thousand seven hundred and eighty-four, within the times granted  
and limited by this act as aforesaid, shall print, re-print, or import, or  
15 cause to be printed, re-printed, or imported, any such book or books,  
without the consent of the proprietor or proprietors thereof, first had  
and obtained in writing, signed in the presence of two or more credi-  
ble witnesses; or knowing the same to be so printed or re-printed,  
without the consent of the proprietors, shall sell, publish, or expose to  
20 sale, or cause to [be] sold, published, or exposed to sale, any such book  
or books, without such consent first had and obtained as aforesaid;  
then such offender or offenders shall forfeit such book or books, and  
all and every sheet or sheets, being part of such book or books, to the  
proprietor or proprietors of the copy thereof, who shall forthwith  
25 damask and make waste paper of them; and further, that every  
such offender or offenders shall forfeit one shilling for every sheet  
which shall be found in his, her, or their custody, either printed or  
printing, published or exposed to sale, contrary to the true intent and  
meaning of this act; the one moiety thereof to the State, and the other  
30 moiety thereof to any person or persons that shall sue for the same,  
to be recovered in any court of record of the said State, by action of  
debt, bill, plaint or information, in which no wager of law, essoign,  
privilege or protection, or more than one imparlance, shall be allowed.

And whereas many persons may, through ignorance, offend against  
35 this act, unless some provision be made whereby the property in every  
such book, as is intended by this act to be secured to the proprietor or  
proprietors thereof, may be ascertained, as likewise the consent of  
such proprietor or proprietors for the printing or re-printing of such  
book or books may from time to time be known;

40 *Be it therefore further enacted by the authority aforesaid, That nothing*  
in this act contained shall be construed to extend to subject any  
bookseller, printer, or other person whatsoever, to the forfeitures or  
penalties therein mentioned, for or by reason of the printing or re-print-  
ing of any book or books, without such consent as aforesaid, unless the  
45 title to the copy of such book or books hereafter published, shall, before

such publication, be entered in a register book provided for that purpose by the secretary of the State, which register book shall at all times be kept at the secretary's office; and unless such consent of the proprietor or proprietors be in like manner entered as aforesaid, for every one of which several entries four shillings and eight pence sterling shall be paid, and no more; which said register book may, at all office hours, be resorted to, and inspected, by any bookseller, printer, or other person, for the purposes before mentioned, without any fee or reward; and the secretary shall, when and as often as thereunto required, give a certificate under his hand of such entry or entries, and for every such certificate may take a fee not exceeding two shillings and four pence. *Provided*, That nothing in this act contained do extend, or shall be construed to extend, to prohibit the importation, vending, or selling of any book in Greek, Latin, or any other foreign language, printed beyond the seas; anything in this act to the contrary notwithstanding.

*Be it further enacted by the authority aforesaid*, That whenever any such author or proprietor of such book or pamphlet shall neglect to furnish the public with sufficient editions thereof, or shall sell the same at a price unreasonable, and beyond what may be adjudged a sufficient compensation for his labour, time, expences, and risque of sale, the judges of the court of common pleas in this State, on complaint made thereof to them in writing, are hereby authorized, empowered, and directed to summon such author, or proprietor, to appear before the next court of common pleas to be holden in the district where such author, or proprietor, dwells, if a resident in this State; if not, in the district where such complainant resides; and the said court are hereby authorized and required to enquire into the justice of the said complaint; and, if the same be found true, to take sufficient recognizance and security of such author, or proprietor, conditioned that he shall, within such reasonable time as the said court shall direct, publish, and offer for sale in this State, a sufficient number of copies of such book or pamphlet, at such reasonable price as the said court shall, on due consideration, affix; and if such author, or proprietor, shall, before said court, neglect or refuse to give such security as aforesaid, the said court are hereby authorized and empowered to give to such complainant a full and ample licence to reprint and publish such book or pamphlet, in such number and for such term as said court shall judge just and reasonable, provided such complainant shall give sufficient security before such court, to afford such re-printed edition at such reasonable price as the said court shall thereto affix.

*And be it further enacted by the authority aforesaid*, That the inventors of useful machines shall have a like exclusive privilege of making or vending their machines for the like term of fourteen years, under the same privileges and restrictions hereby granted to, and imposed on, the authors of books.

- 1 *And be it further enacted by the authority aforesaid,* That if any action or suit shall be commenced or brought against any person or persons whatsoever, for doing, or causing to be done, anything in pursuance of this act, the defendants in such case may plead the general issue, and give the special matter in evidence; and if, upon such action, a verdict be given for the defendant, or the plaintiff become nonsuited, or discontinue his action, then the defendant shall have and recover his full costs, for which he shall have the same remedy as a defendant in any case by law hath.
- 10 *Provided nevertheless,* That all actions, suits, bills, indictments, or informations, for any offence that shall be committed against this act, shall be brought, sued, and commenced, within three months next after such offence committed, or else the same shall be void and of none effect.
- 15 *Provided always,* That after the expiration of the said term of fourteen years, the sole right of printing, or disposing of copies, shall return to the authors thereof, if they are then living, for another term of fourteen years.

In the senate-house, the 26th day of March, 1784, and in the eighth year of the independence of the United States of America.

JOHN LLOYD,  
*President of the Senate.*

HUGH RUTLEDGE,  
*Speaker of the House of Representatives.*

- 25 In "Acts, Ordinances, and Resolves of the General Assembly of the State of South Carolina, passed in the year 1784." 4to. Charleston, printed by J. Miller, 1784, pp. 49-51.

#### VIRGINIA.

- 30 AN ACT securing to the authors of literary works an exclusive property therein for a limited time.

- 1785,  
October. SECTION I. *Be it enacted by the general assembly,* That the author of any book or pamphlet already printed, being a citizen of any one of the United States, who has not transferred to any other person or persons the copy or copies of any such book or pamphlet, share or shares thereof, his heirs and assigns, or the person or persons who have purchased or acquired such copy or copies, share or shares, in order to print or re-print the same, his heirs and assigns shall have the exclusive right of printing and re-printing such book or pamphlet, within this Commonwealth, for the term of twenty-one years, to be computed from the first publication thereof; and that the author of any book or pamphlet already composed and not printed or published, or that shall hereafter be composed, being a citizen, as aforesaid, his heirs and assigns shall have the exclusive right of printing and re-printing such book or pamphlet, within

this Commonwealth, for the like term of twenty-one years, to be computed from the first publication thereof. And if any person or persons whatsoever, shall print, re-print, or cause to be printed, or re-printed, within this Commonwealth, any such book or pamphlet; or shall import into this Commonwealth, from any foreign Kingdom or State, any printed or re-printed copies of such book or pamphlet; without the consent of the author or proprietor thereof first obtained in writing, signed in presence of two credible witnesses at least; or who, knowing the same to be so printed, re-printed, or imported, without such consent first had and obtained, shall publish, sell, or expose to sale, or cause to be published, sold, or exposed to sale, any copy or copies of any such book or pamphlet; the person or persons offending herein, shall forfeit to the party injured, double the value of all the copies so printed, re-printed, or imported; or so published, sold, or exposed to sale; to be recovered at the suit of such party, in any court of record within this Commonwealth. 1 5 10 15

SEC. II. *Provided nevertheless*, That no person shall be entitled to the benefit of this act, until he shall have registered the title of such book or pamphlet with the clerk of the council, and procured a certificate of such registry from the said clerk; which certificate the clerk is hereby required to give, taking only three shillings for his trouble. 20

In "Acts passed at a General Assembly of the Commonwealth of Virginia. Begun and held in Richmond, on the 17th day of October, 1785." fol. Richmond, printed by J. Dunlap & James Hayes [1785], pp. 8-9.

In "The Statutes at large; being a collection of all the laws of Virginia, from 1619, by William Waller Hening." Vol. 12, 8vo. Richmond, 1823, pp. 30-31. 25

#### NORTH CAROLINA.

At a general assembly, begun and held at Newbern, on the 19th day of November, in the year of our Lord 1785: Being the first session of this assembly. Chapter 26. 30

#### AN ACT for securing literary property.

1785,  
November 19. Whereas nothing is more strictly a man's own than the fruit of his study, and it is proper that men should be encouraged to pursue useful knowledge by the hope of reward; and as the security of literary property must greatly tend to encourage genius, to promote useful discoveries, and to the general extension of arts and commerce: 35

1. *Be it enacted by the general assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the author of any book, map or chart, not hitherto printed, who is a citizen of the United States, and his heirs and assigns, shall have the sole liberty of printing, publishing, and vending the same within this State for the term of fourteen years, to commence on the day of its publi- 40

1 cation; and if any person or persons within the said term of fourteen  
years, shall presume to print, reprint, or publish any such book, map  
or chart within this State, or shall import any copy or copies of the  
same, which have been reprinted beyond the limits of the State, and  
5 shall knowingly publish, distribute, or vend the same without the con-  
sent of the author or proprietor, in writing, signed in the presence of  
two credible witnesses, such offender or offenders shall forfeit to the  
proprietor all the books, maps or charts thus printed, reprinted,  
imported, published, or offered for sale, together with double the  
10 value of the articles so imported; one moiety of which money shall go  
to the State, the other moiety to him who shall sue for the same for  
the benefit of the party injured, in any court of record within this  
State. *Provided nevertheless*, That no author or proprietor of any such  
book, map or chart, shall be entitled to the benefit of this act, unless  
15 he shall, before publication, duly enter his name as author or proprietor,  
together with the title of the book, map or chart to be published, in  
the office of the secretary of the State, who is hereby directed to enter  
the same on record; nor unless he shall, before publication, have deliv-  
ered to the secretary of the State one copy of such book, map or chart  
20 for the use of the executive of the State; of which entry and for which  
copy the secretary is hereby required to give him a certificate and  
receipt.

II. *And be it further enacted*, If the author or publisher of any book  
as aforesaid, shall set an unreasonable price on the same, regard being  
25 had to the probable labour, expence, and risk of such author and pub-  
lisher, the judges of the supreme court, on complaint thereof made in  
writing by two or more persons, are hereby authorized and empowered  
to summons such author or publisher to appear before next supreme  
court, to be holden in that county or district where such author or  
30 publisher usually resides; and said court shall enquire into the justice  
of the complaint, and if the same, on full examination, shall appear to  
be well founded, they shall correct or settle the price; and if said  
author or publisher after such price is fixed by the court, shall sell  
any book at a higher rate, he shall for every offence forfeit twenty  
35 Spanish milled dollars, one moiety to the State and the other moiety  
to the person who shall sue for the same.

III. *And be it further enacted*, That every author who is a citizen in  
any of the United States, and whose work shall originally be published  
in any of the United States where laws similar to this are or may be  
40 passed for the security of literary property, or his assigns, being also  
citizens of the United States, shall be entitled to the benefit of this act  
and none others. *Provided always*, That nothing contained in this act  
shall be construed to prevent any person from reprinting any book,  
map or chart that has been published; or from importing, reprinting,  
45 or publishing any book, map or chart that shall be originally pub-



lished in any other country; nor shall anything in this act be construed 1  
to encourage or protect any authors or publishers of books, maps or  
charts which may be dangerous to civil liberty, or to the peace or  
morals of society.

In "Laws of the State of North-Carolina. Published, according to Act 5  
of Assembly, by James Iredell." fol. Edenton, Hodge & Wills, 1791, pp.  
563-564.

GEORGIA.

AN ACT for the encouragement of literature and genius.

Whereas the principles of natural equity and justice, 10  
1786, require that every author should be secured in receiving  
Feb. 3. the profits that may arise from the sale of his works, and  
such security may encourage men of learning and genius to publish  
their writings, which may do honor to their country, and service to  
mankind: 15

*Be it enacted by the representatives of the freemen of the State of  
Georgia, in general assembly met, and by the authority of the same,*  
That the author of any book or pamphlet not yet printed, or of any  
map or chart, being an inhabitant or resident in these United States,  
and his heirs and assigns, shall have the sole liberty of printing, pub- 20  
lishing, and vending the same, within this State, for the term of four-  
teen years, to commence from the day of its first publication in this  
State: And if any person or persons, within said term of fourteen  
years, shall presume to print or re-print any such book, pamphlet, map  
or chart, within this State, or to import or introduce into this State for 25  
sale, any copies thereof, re-printed beyond the limits of this State, or  
shall knowingly publish, vend, and utter or distribute the same, with-  
out the consent of the proprietor thereof in writing, signed in the  
presence of two credible witnesses, every such person or persons shall  
forfeit and pay to the proprietor of such book, pamphlet, map or 30  
chart, double the value of all the copies thereof so printed, imported,  
distributed, vended, or exposed for sale, to be recovered by such pro-  
prietor in due course of law: *Provided nevertheless,* That no author,  
assignee, or proprietor, of any such book, pamphlet, map or chart  
shall be entitled to take the benefit of this statute, until he shall duly 35  
register his name as author, assignee, or proprietor, with the title  
thereof, in the office of the Secretary of the State, who is hereby  
empowered and directed to enter the same on record.

II. *And be it further enacted by the authority aforesaid,* That at the  
expiration of the said term of fourteen years in the cases above men- 40  
tioned, the sole right of printing and disposing of any such book,  
pamphlet, map or chart in this State, shall return to the author thereof,  
if then living, and his heirs and assigns, for the term of fourteen  
years more, to commence at the end of the said first term: And that all

1 and every person or persons who shall re-print, import, vend, utter, or  
distribute in this State, any copies thereof without the consent of  
such proprietor obtained as aforesaid during the said second term of  
fourteen years shall be liable to the same penalties, recoverable in the  
5 same manner as is herein before enacted and provided.

III. *And whereas* it is equally necessary for the encouragement of  
learning, that the inhabitants of this State be furnished with useful  
books, &c., at reasonable prices: *Be it further enacted*, That whenever  
any such author or proprietor of such book, pamphlet, map or chart  
10 shall neglect to furnish the public with sufficient editions thereof, or  
shall sell the same at a price unreasonable, and beyond what may be  
adjudged a sufficient compensation for his labor, time, expense, and  
risk of sale, the chief justice of the State, on complaint thereof made  
to him in writing, is hereby authorized and empowered to summon  
15 such author or proprietor to appear before the next superior court to  
be holden in the county where such author or proprietor dwells, if a  
resident of this State, if not, in the county where such complainant  
dwells, and said court is hereby authorized and empowered to enquire  
into the justice of such complaint, and if the same be found true to  
20 take sufficient security of such author or proprietor conditioned that  
he shall, within such reasonable time as the said court shall direct, pub-  
lish and offer for sale, in this State, a sufficient number of copies of such  
book, pamphlet, map or chart, at such reasonable price as said court  
shall, on due consideration affix; and if such author or proprietor  
25 shall, before said court, neglect or refuse to give such security as  
aforesaid, the said court is hereby authorized and empowered to give  
to such complainant a full and ample licence to re-print and publish  
such book, pamphlet, map or chart in such numbers and for such  
term as said court shall judge just and reasonable: *Provided*, said com-  
30 plainant shall give sufficient security before said court to afford said  
re-printed edition at such reasonable price as said court shall thereto  
affix.

IV. *And be it further enacted*, That any person or persons who shall  
procure and print any unpublished manuscript, without the consent and  
35 approbation of the author or proprietor thereof first had and obtained,  
if such author or proprietor be living and resident in, or inhabitant of  
this or any other of the United States, shall be liable to suffer and pay  
to the said author or proprietor his just damage for such injury, to be  
recovered by action brought on this statute in any court of law in this  
40 State proper to try the same: *Provided always*, That nothing in this  
act shall extend to affect, prejudice, or confirm the rights which any  
person may have to the printing or publishing of any book, pamphlet,  
map or chart at common law, in cases not mentioned in this act, or  
to screen from legal punishment any person or persons who may be  
45 guilty of printing or publishing any book, pamphlet, or paper that

may be prophane, treasonable, defamatory, or injurious to government, morals, or religion: *Provided also*, That this act shall not extend, or be construed to extend, in favor or for the benefit of any author or person residing in or inhabitant of any other of the United States until the State or States in which such person or persons reside or dwell, shall have passed similar laws in favor of the authors of new publications, and their heirs and assigns.

WILLIAM GIBBONS, *Speaker*.

AUGUSTA, *February 3, 1786*.

In "A Digest of the Laws of the State of Georgia. From its first establishment as a British province down to the year 1798, inclusive. By Robert and George Watkins." 4to. Philadelphia, R. Aitken, 1800, pp. 323-325.

In "Digest of the Laws of Georgia, from 1755 to 1800. By Horatio Marbury & William H. Crawford." 4to. Savannah, Seymour, Woolhopter & Stebbins, 1802, pp. 342-343.

## NEW YORK.

### AN ACT to promote literature.

1786,  
April 29.

Whereas it is agreeable to the principles of natural equity and justice that every author should be secured in receiving the profits that may arise from the sale of his or her works; and such security may encourage persons of learning and genius to publish their writings, which may do honour to their country and service to mankind:

I. *Be it enacted by the people of the State of New York, represented in senate and assembly, and it is hereby enacted by the authority of the same*, That the author of any book or pamphlet, being an inhabitant or resident in these United States, and his or her heirs and assigns, shall have the sole liberty of printing, publishing, and vending the same within this State, for the term of fourteen years, to commence from the day of its first publication in this State; and if any person or persons within the said term of fourteen years as aforesaid, shall presume to print or re-print any such book or pamphlet within this State, or to import or introduce into this State for sale, any copies of such book or pamphlet, reprinted beyond the limits of this State, or shall knowingly publish, vend, utter, or distribute the same, without the consent of the proprietor thereof in writing, signed in the presence of two credible witnesses, every such person or persons shall forfeit and pay to the proprietor of such book or pamphlet, double the value of all the copies of such book or pamphlet so re-printed, imported, distributed, vended, or exposed to sale, to be recovered by such proprietor in any court of law in this State, proper to try the same. *Provided nevertheless*, that no author, assignee, or proprietor of such book or pamphlet, shall be entitled to take the benefit of this act, until he or she shall duly register his or her name, as author, assignee, or pro-

1 prietor, with the title of such book or pamphlet in the office of the Secretary of this State, who is hereby empowered and directed to enter the same on record.

II. *And be it further enacted by the authority aforesaid*, That at 5 the expiration of the said term of fourteen years, in the cases above mentioned, the sole right of printing and disposing of any such book or pamphlet in this State, shall return to the author thereof, if then living, and his or her heirs or assigns, for the term of fourteen years more, to commence at the end of the said first term, and that all and 10 every person or persons who shall re-print, import, vend, utter, or distribute in this State any copies thereof, without the consent of such proprietor obtained as aforesaid, during the said second term of fourteen years, shall be liable to the same penalties, recoverable in the same manner as is herein before enacted and provided.

15 *And whereas* it is equally necessary for the encouragement of learning, that the inhabitants of this State be furnished with useful books at reasonable prices:

III. *Be it further enacted by the authority aforesaid*, That whenever any such author or proprietor of such book or pamphlet shall neglect 20 to furnish the public with sufficient editions thereof, or shall sell the same at a price unreasonable, and beyond what may be adjudged a sufficient compensation for his or her labour, time, expences, and risque of sale, any one of the judges of the supreme court of judicature of this State, on complaint made thereof to him in writing, is hereby authorized and impowered to summon such author or proprietor to appear 25 at the next supreme court of judicature, and the said court are hereby authorized and impowered to enquire into the justice of the said complaint, and if the same be found true, to take sufficient recognizance and security of such author or proprietor, conditioned that he or she 30 shall, within such reasonable time as the court shall direct, publish and offer for sale in this State, a sufficient number of copies of such book or pamphlet, at such reasonable price as the said court shall on due consideration affix, and if such author or proprietor shall neglect or refuse to give such security as aforesaid, the said court are hereby 35 authorized and empowered to give such complainant a full and ample licence to re-print and publish such book or pamphlet in such numbers and for such term as the said court shall judge just and reasonable: *Provided*, Such complainant shall give sufficient security before the said court to afford such re-printed edition at such reasonable price as 40 the said court shall thereto affix.

IV. *And be it further enacted by the authority aforesaid*, That any person or persons who shall procure and print any unpublished manuscript, without the consent and approbation of the author or proprietor thereof first had and obtained, if such author or proprietor be 45 living and resident in, or inhabitant of these United States, shall be

liable to pay to the said author or proprietor his or her damages for such injury, to be recovered with costs, by action brought on this act in any court of record. *Provided always*, that nothing in this act shall extend to effect, prejudice, or confirm the rights which any person may have to the printing or publishing of any book, or pamphlet, at common law, in cases not mentioned in this act; or to authorize any person or persons to print or publish any book, pamphlet, or paper that may be profane, treasonable, defamatory, or injurious to government, morals, or religion. *Provided also*, that this act shall not extend or be construed to extend in favour or for the benefit of any author or person residing in, or inhabitant of any other of the United States until the State in which such person resides or dwells shall have passed similar laws in favor of the authors of such new publications and their heirs and assigns.

V. *And be it further enacted by the authority aforesaid*, That the trustees of the Reformed Protestant Dutch Church, of Flat Bush, in the county of Kings, shall be, and they are hereby authorized to grant, bargain, and sell, in fee simple, such part or parts of their real estate within the said county, to such person or persons, and for such price or prices as they may think proper, for the express purpose of erecting an academy in the said county. *Provided*, That the quantity which the said trustees shall grant and convey by virtue of this act shall not exceed six acres.

In "Laws of the State of New-York, passed by the legislature of said State at their ninth session." fol. New York, printed by Samuel and John Loudon, 1786, pp. 99-100.

Also in "Laws of the State of New York, comprising the constitution and the acts of the legislature since the Revolution, from the first to the twelfth session, inclusive. [By Samuel Jones and Richard Varick.]" v. 1. fol. New York, H. Gaine, 1789, pp. 320-322.

Also to be found in "Laws of the State of New-York, comprising the constitution and the acts of the legislature since the Revolution, from the first to the twentieth, inclusive. [By Thomas Greenleaf.]" 2d. ed., v. 1. 8°. New-York, T. Greenleaf, 1798, pp. 274-275.

#### DELAWARE.

No copyright law seems to have been enacted by the State of Delaware.

### III.

#### PROVISION OF THE CONSTITUTION AS TO THE COPYRIGHT LEGISLATION BY CONGRESS.

CONSTITUTION OF THE UNITED STATES, SEPTEMBER 17, 1787.

ARTICLE I., SEC. 8. The Congress shall have power:

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

## IV.

1 PUBLIC ACTS RELATING TO COPYRIGHT PASSED BY THE CONGRESS  
OF THE UNITED STATES, 1790-1905.ORIGINAL COPYRIGHT ACT. (FIRST CONGRESS, SECOND SESSION,  
CHAPTER 15.)

5 AN ACT for the encouragement of learning, by securing the copies of maps, charts,  
and books, to the authors and proprietors of such copies, during the times therein  
mentioned.

1790,  
May 31. SECTION 1. *Be it enacted by the Senate and House of*  
Representatives of the United States of America in Con-  
gress assembled, That from and after the passing of this  
act, the author and authors of any map, chart, book or books already  
printed within these United States, being a citizen or citizens thereof,  
or resident within the same, his or their executors, administrators or  
assigns, who hath or have not transferred to any other person the  
15 copyright of such map, chart, book or books, share or shares thereof;  
and any other person or persons, being a citizen or citizens of these  
United States, or residents therein, his or their executors, adminis-  
trators or assigns, who hath or have purchased or legally acquired the  
copyright of any such map, chart, book or books, in order to print,  
20 reprint, publish or vend the same, shall have the sole right and liberty  
of printing, reprinting, publishing and vending such map, chart, book  
or books, for the term of fourteen years from the recording the title  
thereof in the clerk's office, as is herein after directed: And that the  
author and authors of any map, chart, book or books already made  
25 and composed, and not printed or published, or that shall hereafter  
be made and composed, being a citizen or citizens of these United  
States, or resident therein, and his or their executors, administrators  
or assigns, shall have the sole right and liberty of printing, reprinting,  
publishing and vending such map, chart, book or books, for the like  
30 term of fourteen years from the time of recording the title thereof in  
the clerk's office as aforesaid. And if, at the expiration of the said term,  
the author or authors, or any of them, be living, and a citizen or citi-  
zens of these United States, or resident therein, the same exclusive  
right shall be continued to him or them, his or their executors, admin-  
35 istrators or assigns, for the further term of fourteen years: *Provided*,  
He or they shall cause the title thereof to be a second time recorded  
and published in the same manner as is herein after directed, and that  
within six months before the expiration of the first term of fourteen  
years aforesaid.

40 SEC. 2. *And be it further enacted*, That if any other person or per-  
sons, from and after the recording the title of any map, chart, book  
or books, and publishing the same as aforesaid, and within the times

limited and granted by this act, shall print, reprint, publish, or import, 1  
 or cause to be printed, reprinted, published, or imported from any  
 foreign Kingdom or State, any copy or copies of such map, chart, book  
 or books, without the consent of the author or proprietor thereof,  
 first had and obtained in writing, signed in the presence of two or 5  
 more credible witnesses; or knowing the same to be so printed,  
 reprinted, or imported, shall publish, sell, or expose to sale, or cause  
 to be published, sold, or exposed to sale, any copy of such map, chart,  
 book or books, without such consent first had and obtained in writing  
 as aforesaid, then such offender or offenders shall forfeit all and every 10  
 copy and copies of such map, chart, book or books, and all and every  
 sheet and sheets, being part of the same, or either of them, to the  
 author or proprietor of such map, chart, book or books, who shall forth-  
 with destroy the same: And every such offender and offenders shall also  
 forfeit and pay the sum of fifty cents for every sheet which shall be 15  
 found in his or their possession, either printed or printing, published,  
 imported or exposed to sale, contrary to the true intent and meaning  
 of this act, the one moiety thereof to the author or proprietor of such  
 map, chart, book or books who shall sue for the same, and the other  
 moiety thereof to and for the use of the United States, to be recovered 20  
 by action of debt in any court of record in the United States, wherein  
 the same is cognizable. *Provided always*, That such action be com-  
 menced within one year after the cause of action shall arise, and not  
 afterwards.

SEC. 3. *And be it further enacted*, That no person shall be entitled 25  
 to the benefit of this act, in cases where any map, chart, book or books,  
 hath or have been already printed and published, unless he shall first  
 deposit, and in all other cases, unless he shall before publication deposit  
 a printed copy of the title of such map, chart, book or books, in the  
 clerk's office of the district court where the author or proprietor shall 30  
 reside: And the clerk of such court is hereby directed and required to  
 record the same forthwith, in a book to be kept by him for that pur-  
 pose, in the words following, (giving a copy thereof to the said author  
 or proprietor, under the seal of the court, if he shall require the same).  
 "District of                      to wit: *Be it remembered*, that on the                      day 35  
 of                      in the                      year of the independence of the United States  
 of America, A. B. of the said district, hath deposited in this office the  
 title of a map, chart, book or books, (as the case may be) the right  
 whereof he claims as author or proprietor, (as the case may be) in the  
 words following, to wit: [here insert the title] in conformity to the 40  
 act of the Congress of the United States, intituled 'An act for the  
 encouragement of learning, by securing the copies of maps, charts,  
 and books, to the authors and proprietors of such copies, during the  
 times therein mentioned.' C. D. clerk of the district of                      ." For  
 which the said clerk shall be entitled to receive sixty cents from the 45

1 said author or proprietor, and sixty cents for every copy under seal  
 actually given to such author or proprietor as aforesaid. And such  
 author or proprietor shall, within two months from the date thereof,  
 cause a copy of the said record to be published in one or more of the  
 5 newspapers printed in the United States, for the space of four weeks.

SEC. 4. *And be it further enacted*, That the author or proprietor of  
 any such map, chart, book or books, shall, within six months after the  
 publishing thereof, deliver, or cause to be delivered to the Secretary of  
 State a copy of the same, to be preserved in his office.

10 SEC. 5. *And be it further enacted*, That nothing in this act shall be  
 construed to extend to prohibit the importation or vending, reprinting  
 or publishing within the United States, of any map, chart, book or  
 books, written, printed, or published by any person not a citizen of  
 the United States, in foreign parts or places without the jurisdiction  
 15 of the United States.

SEC. 6. *And be it further enacted*, That any person or persons who  
 shall print or publish any manuscript, without the consent and appro-  
 bation of the author or proprietor thereof, first had and obtained as  
 aforesaid, (if such author or proprietor be a citizen of or resident in  
 20 these United States) shall be liable to suffer and pay to the said author  
 or proprietor all damages occasioned by such injury, to be recovered  
 by a special action on the case founded upon this act, in any court  
 having cognizance thereof.

SEC. 7. *And be it further enacted*, That if any person or persons  
 25 shall be sued or prosecuted for any matter, act or thing done under or  
 by virtue of this act, he or they may plead the general issue, and give  
 the special matter in evidence.

Approved, May 31, 1790.

30 In "The Public Statutes at Large of the United States of America, from the  
 Organization of the Government, in 1789, to March 3, 1845. Edited by Richard  
 Peters." Vol. 1, 8vo. Boston, 1845, pp. 124-126.

#### SEVENTH CONGRESS, FIRST SESSION, CHAPTER 36.

AN ACT supplementary to an act, intituled "An act for the encouragement of learn-  
 ing, by securing the copies of maps, charts, and books to the authors and proprie-  
 35 tors of such copies during the time therein mentioned," and extending the benefits  
 thereof to the arts of designing, engraving, and etching historical and other prints.

1802,  
 April 29. *Be it enacted by the Senate and House of Representatives  
 of the United States of America in Congress assembled,*

40 That every person who shall, from and after the first day  
 of January next, claim to be the author or proprietor of any maps,  
 charts, book or books, and shall thereafter seek to obtain a copyright  
 of the same agreeable to the rules prescribed by law, before he shall be  
 entitled to the benefit of the act, intituled "An act for the encourage-  
 ment of learning, by securing the copies of maps, charts, and books, to



the authors and proprietors of such copies, during the time therein 1 mentioned," he shall, in addition to the requisites enjoined in the third and fourth sections of said act, if a book or books, give information by causing the copy of the record, which, by said act he is required to publish in one or more of the newspapers, to be inserted at full 5 length in the title-page or in the page immediately following the title of every such book or books; and if a map or chart, shall cause the following words to be impressed on the face thereof, viz: "*Entered according to act of Congress, the            day of            18* (here insert the date when the same was deposited in the office) *by A. B. of* 10 *the State of* (here insert the author's or proprietor's name and the State in which he resides).

SEC. 2. *And be it further enacted,* That from and after the first day of January next, every person, being a citizen of the United States, or resident within the same, who shall invent and design, engrave, 15 etch or work, or from his own works and inventions, shall cause to be designed and engraved, etched or worked, any historical or other print or prints, shall have the sole right and liberty of printing, re-printing, publishing and vending such print or prints, for the term of fourteen years from the recording the title thereof in the clerk's 20 office, as prescribed by law for maps, charts, book or books: *Provided*, he shall perform all the requisites in relation to such print or prints, as are directed in relation to maps, charts, book or books, in the third and fourth sections of the act to which this is a supplement, and shall moreover cause the same entry to be truly engraved on such 25 plate, with the name of the proprietor, and printed on every such print or prints as is herein before required to be made on maps or charts.

SEC. 3. *And be it further enacted,* That if any print-seller or other person whatsoever, from and after the said first day of January next, 30 within the time limited by this act, shall engrave, etch or work, as aforesaid, or in any other manner copy or sell, or cause to be engraved, etched, copied or sold, in the whole or in part, by varying, adding to, or diminishing from the main design, or shall print, re-print, or import for sale, or cause to be printed, re-printed, or imported for 35 sale, any such print or prints, or any parts thereof, without the consent of the proprietor or proprietors thereof, first had and obtained, in writing, signed by him or them respectively, in the presence of two or more credible witnesses; or knowing the same to be so printed or re-printed, without the consent of the proprietor or proprietors, shall 40 publish, sell, or expose to sale or otherwise, or in any other manner dispose of any such print or prints, without such consent first had and obtained, as aforesaid, then such offender or offenders shall forfeit the plate or plates on which such print or prints are or shall be copied, and all and every sheet or sheets (being part of or whereon such print 45

- 1 or prints are or shall be copied or printed) to the proprietor or proprietors of such original print or prints, who shall forthwith destroy the same; and further, that every such offender or offenders shall forfeit one dollar for every print which shall be found in his, her, or  
 5 their custody; either printed, published, or exposed to sale, or otherwise disposed of, contrary to the true intent and meaning of this act, the one moiety thereof to any person who shall sue for the same, and the other moiety thereof to and for the use of the United States, to be recovered in any court having competent jurisdiction thereof.
- 10 SEC. 4. *And be it further enacted*, That if any person or persons from and after the passing of this act, shall print or publish any map, chart, book or books, print or prints, who have not legally acquired the copyright of such map, chart, book or books, print or prints, and shall, contrary to the true intent and meaning of this act, insert therein  
 15 or impress thereon that the same has been entered according to act of Congress, or words purporting the same, or purporting that the copyright thereof has been acquired; every person so offending shall forfeit and pay the sum of one hundred dollars, one moiety thereof to the person who shall sue for the same, and the other moiety thereof  
 20 to and for the use of the United States, to be recovered by action of debt in any court of record in the United States, having cognizance thereof. *Provided always*, That in every case for forfeitures hereinbefore given, the action be commenced within two years from the time the cause of action may have arisen.
- 25 Approved, April 29, 1802.

In "The Public Statutes at Large of the United States of America, from the Organization of the Government in 1789, to March 3, 1845. Edited by Richard Peters." Vol. 2, 8vo. Boston, 1845, pp. 171-172.

#### FIFTEENTH CONGRESS, SECOND SESSION, CHAPTER 19.

- 30 AN ACT to extend the jurisdiction of the circuit courts of the United States to cases arising under the law relating to patents.

*Be it enacted by the Senate and House of Representatives*  
 1819,  
 February 15. *of the United States of America, in Congress assembled,*

35 That the circuit courts of the United States shall have original cognisance, as well in equity as at law, of all actions, suits, controversies, and cases, arising under any law of the United States, granting or confirming to authors or inventors the exclusive right to their respective writings, inventions, and discoveries; and upon any bill in equity, filed by any party aggrieved in any such cases, shall  
 40 have authority to grant injunctions, according to the course and principles of courts of equity, to prevent the violation of the rights of any authors or inventors, secured to them by any laws of the United States, on such terms and conditions as the said courts may deem fit and reasonable: *Provided, however*, That from all judgments and

decrees of any circuit courts, rendered in the premises, a writ of error or appeal, as the case may require, shall lie to the Supreme Court of the United States, in the same manner, and under the same circumstances, as is now provided by law in other judgments and decrees of such circuit courts.

Approved, February 15, 1819.

In "The Public Statutes at Large of the United States of America, from the Organization of the Government in 1789, to March 3, 1845. Edited by Richard Peters." Vol. 3, 8vo. Boston, 1846, pp. 481-482.

TWENTY-FIRST CONGRESS, SECOND SESSION, CHAPTER 16.

AN ACT to amend the several acts respecting copyrights.

1831,  
February 3  
(Revision).

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That from and after the passing of this act, any

person or persons, being a citizen or citizens of the United States, or resident therein, who shall be the author or authors of any book or books, map, chart, or musical composition, which may be now made or composed, and not printed and published, or shall hereafter be made or composed, or who shall invent, design, etch, engrave, work, or cause to be engraved, etched, or worked from his own design, any print or engraving, and the executors, administrators, or legal assigns of such person or persons, shall have the sole right and liberty of printing, reprinting, publishing, and vending such book or books, map, chart, musical composition, print, cut, or engraving, in whole or in part, for the term of twenty-eight years from the time of recording the title thereof, in the manner hereinafter directed.

SEC. 2. *And be it further enacted,* That if, at the expiration of the aforesaid term of years, such author, inventor, designer, engraver, or any of them, where the work had been originally composed and made by more than one person, be still living, and a citizen or citizens of the United States, or resident therein, or being dead, shall have left a widow, or child, or children, either or all then living, the same exclusive right shall be continued to such author, designer, or engraver, or, if dead, then to such widow and child, or children, for the further term of fourteen years: *Provided,* That the title of the work so secured shall be a second time recorded, and all such other regulations as are herein required in regard to original copyrights, be complied with in respect to such renewed copyright, and that within six months before the expiration of the first term.

SEC. 3. *And be it further enacted,* That in all cases of renewal of copyright under this act, such author or proprietor shall, within two months from the date of said renewal, cause a copy of the record

1 thereof to be published in one or more of the newspapers printed in the United States, for the space of four weeks.

SEC. 4. *And be it further enacted*, That no person shall be entitled to the benefit of this act, unless he shall, before publication, deposit a  
5 printed copy of the title of such book, or books, map, chart, musical composition, print, cut, or engraving, in the clerk's office of the district court of the district wherein the author or proprietor shall reside, and the clerk of such court is hereby directed and required to record the same thereof forthwith, in a book to be kept for that purpose, in the  
10 words following (giving a copy of the title, under the seal of the court, to the said author or proprietor, whenever he shall require the same:) "District of            to wit: Be it remembered, that on the            day of            anno Domini,            A. B., of the said district, hath deposited in this office the title of a book, (map, chart, or otherwise, as the  
15 case may be,) the title of which is in the words following, to wit: (here insert the title;) the right whereof he claims as author (or proprietor as the case may be;) in conformity with an act of Congress, entitled 'An act to amend the several acts respecting copyrights.' C. D., clerk of the district." For which record, the clerk shall be entitled  
20 to receive, from the person claiming such right as aforesaid, fifty cents; and the like sum for every copy, under seal, actually given to such person or his assigns. And the author or proprietor of any such book, map, chart, musical composition, print, cut, or engraving, shall, within three months from the publication of said book, map, chart,  
25 musical composition, print, cut, or engraving, deliver or cause to be delivered a copy of the same to the clerk of said district. And it shall be the duty of the clerk of each district court, at least once in every year, to transmit a certified list of all such records of copyright, including the titles so recorded, and the dates of record, and also all  
30 the several copies of books or other works deposited in his office according to this act, to the Secretary of State, to be preserved in his office.

SEC. 5. *And be it further enacted*, That no person shall be entitled to the benefit of this act, unless he shall give information of copyright  
35 being secured, by causing to be inserted, in the several copies of each and every edition published during the term secured on the title-page, or the page immediately following, if it be a book, or, if a map, chart, musical composition, print, cut, or engraving, by causing to be impressed on the face thereof, or if a volume of maps, charts, music,  
40 or engravings, upon the title or frontispiece thereof, the following words, viz: "Entered according to act of Congress, in the year            , by A. B., in the clerk's office of the district court of            , (as the case may be.)

SEC. 6. *And be it further enacted*, That if any other person or per-  
45 sons, from and after the recording the title of any book or books,

according to this act, shall, within the term or terms herein limited, 1  
print, publish, or import, or cause to be printed, published, or  
imported, any copy of such book, or books, without the consent of the  
person legally entitled to the copyright thereof, first had and obtained  
in writing, signed in the presence of two or more credible witnesses, 5  
or shall, knowing the same to be so printed or imported, publish, sell,  
or expose to sale, or cause to be published, sold, or exposed to sale,  
any copy of such book without such consent in writing; then such  
offender shall forfeit every copy of such book to the person legally,  
at the time, entitled to the copyright thereof; and shall also forfeit and 10  
pay fifty cents for every such sheet which may be found in his posses-  
sion, either printed, or printing, published, imported, or exposed to  
sale, contrary to the intent of this act, the one moiety thereof to such  
legal owner of the copyright as aforesaid, and the other to the use of  
the United States, to be recovered by action of debt in any court 15  
having competent jurisdiction thereof.

SEC. 7. *And be it further enacted*, That, if any person or persons,  
after the recording the title of any print, cut, or engraving, map,  
chart or musical composition, according to the provisions of this act,  
shall, within the term or terms limited by this act, engrave, etch, or 20  
work, sell, or copy, or cause to be engraved, etched, worked, or sold,  
or copied, either on the whole, or by varying, adding to, or diminish-  
ing the main design with intent to evade the law; or shall print or  
import for sale, or cause to be printed, or imported for sale, any such  
map, chart, musical composition, print, cut, or engraving, or any parts 25  
thereof, without the consent of the proprietor or proprietors of the  
copyright thereof, first obtained in writing, signed in the presence of  
two credible witnesses; or, knowing the same to be so printed or  
imported without such consent, shall publish, sell, or expose to sale, or  
in any manner dispose of any such map, chart, musical composition, 30  
engraving, cut, or print, without such consent, as aforesaid; then such  
offender or offenders shall forfeit the plate or plates on which such  
map, chart, musical composition, engraving, cut, or print, shall be cop-  
ied, and also all and every sheet thereof so copied or printed as afore-  
said, to the proprietor or proprietors of the copyright thereof; and 35  
shall further forfeit one dollar for every sheet of such map, chart,  
musical composition, print, cut, or engraving, which may be found in  
his or their possession, printed or published, or exposed to sale, con-  
trary to the true intent and meaning of this act; the one moiety  
thereof to the proprietor or proprietors, and the other moiety to the 40  
use of the United States, to be recovered in any court having compe-  
tent jurisdiction thereof.

SEC. 8. *And be it further enacted*, That nothing in this act shall be  
construed to extend to prohibit the importation or vending, printing,  
or publishing, of any map, chart, book, musical composition, print or 45

1 engraving, written, composed, or made, by any person not being a citizen of the United States, nor resident within the jurisdiction thereof.

SEC. 9. *And be it further enacted*, That any person or persons who shall print or publish any manuscript whatever without the consent of  
5 the author or legal proprietor first obtained as aforesaid, (if such author or proprietor be a citizen of the United States, or resident therein,) shall be liable to suffer and pay to the author or proprietor, all damages occasioned by such injury, to be recovered by a special action on the case founded upon this act, in any court having cognisance  
10 thereof; and the several courts of the United States empowered to grant injunctions to prevent the violation of the rights of authors and inventors, are hereby empowered to grant injunctions, in like manner, according to the principles of equity, to restrain such publication of any manuscript as aforesaid.

15 SEC. 10. *And be it further enacted*, That, if any person or persons shall be sued or prosecuted, for any matter, act, or thing done under or by virtue of this act, he or they may plead the general issue and give the special matter in evidence.

SEC. 11. *And be it further enacted*, That, if any person or persons,  
20 from and after the passing of this act, shall print or publish any book, map, chart, musical composition, print, cut, or engraving, not having legally acquired the copyright thereof, and shall insert or impress that the same hath been entered according to act of Congress, or words purporting the same, every person so offending shall forfeit and pay  
25 one hundred dollars; one moiety thereof to the person who shall sue for the same, and the other to the use of the United States, to be recovered by action of debt, in any court of record having cognisance thereof.

SEC. 12. *And be it further enacted*, That, in all recoveries under this  
30 act, either for damages, forfeitures, or penalties, full costs shall be allowed thereon, any thing in any former act to the contrary notwithstanding.

SEC. 13. *And be it further enacted*, That no action or prosecution shall be maintained, in any case of forfeiture or penalty under this  
35 act, unless the same shall have been commenced within two years after the cause of action shall have arisen.

SEC. 14. *And be it further enacted*, That the "Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein  
40 mentioned," passed May thirty-first, one thousand seven hundred and ninety, and the act supplementary thereto, passed April twenty-ninth, one thousand eight hundred and two, shall be, and the same are hereby, repealed: saving, always, such rights as may have been obtained in conformity to their provisions.

45 SEC. 15. *And be it further enacted*, That all and several the provi-

sions of this act, intended for the protection and security of copyrights, 1  
and providing remedies, penalties, and forfeitures, in case of violation  
thereof, shall be held and construed to extend to the benefit of the legal  
proprietor or proprietors of each and every copyright heretofore  
obtained, according to law, during the term thereof, in the same man- 5  
ner as if such copyright had been entered and secured according to the  
directions of this act.

SEC. 16. *And be it further enacted*, That, whenever a copyright has  
been heretofore obtained by an author or authors, inventor, designer,  
or engraver, of any book, map, chart, print, cut, or engraving, or by 10  
a proprietor of the same: if such author or authors, or either of them,  
such inventor, designer, or engraver, be living at the passage of this  
act, then such author or authors, or the survivor of them, such inven-  
tor, engraver, or designer, shall continue to have the same exclusive  
right to his book, chart, map, print, cut, or engraving, with the bene- 15  
fit of each and all the provisions of this act, for the security thereof,  
for such additional period of time as will, together with the time which  
shall have elapsed from the first entry of such copyright, make up the  
term of twenty-eight years, with the same right to his widow, child,  
or children, to renew the copyright, at the expiration thereof, as is 20  
above provided in relation to copyrights originally secured under this  
act. And if such author or authors, inventor, designer, or engraver,  
shall not be living at the passage of this act, then, his or their heirs,  
executors and administrators, shall be entitled to the like exclusive  
enjoyment of said copyright, with the benefit of each and all the pro- 25  
visions of this act for the security thereof, for the period of twenty-  
eight years from the first entry of said copyright, with the like privilege  
of renewal to the widow, child, or children, of author or authors,  
designer, inventor, or engraver, as is provided in relation to copyrights  
originally secured under this act: *Provided*, That this act shall not 30  
extend to any copyright heretofore secured, the term of which has  
already expired.

Approved, February 3, 1831.

In "The Public Statutes at Large of the United States of America, from the  
Organization of the Government in 1789 to March 3, 1845. Edited by Richard 35  
Peters." Vol. 4, 8vo. Boston, 1846, pp. 436-439.

#### TWENTY-THIRD CONGRESS, FIRST SESSION, CHAPTER 157.

AN ACT supplementary to the act to amend the several acts respecting copyrights.

1834,  
June 30. *Be it enacted by the Senate and House of Representatives  
of the United States of America, in Congress assembled,* 40

That all deeds or instruments in writing for the transfer  
or assignment of copyrights, being proved or acknowledged in such  
manner as deeds for the conveyance of land are required by law to be  
proved or acknowledged in the same State or district, shall and may

1 be recorded in the office where the original copyright is deposited and recorded; and every such deed or instrument that shall in any time hereafter be made and executed, and which shall not be proved or acknowledged and recorded as aforesaid, within sixty days after its  
5 execution, shall be judged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration without notice.

SEC. 2. *And be it further enacted*, That the clerk of the district court shall be entitled to such fees for performing the services herein authorized and required, as he is entitled to for performing like  
10 services under existing laws of the United States.

Approved, June 30, 1834.

In "The Public Statutes at Large of the United States of America, from the Organization of the Government in 1789, to March 3, 1845. Edited by Richard Peters." Vol. 4, 8vo. Boston, 1846, p. 728.

15 TWENTY-NINTH CONGRESS, FIRST SESSION, CHAPTER 178, SECTION 10.

AN ACT to establish the "Smithsonian Institution," for the increase and diffusion of knowledge among men.

1846,  
August 10. SEC. 10. *And be it further enacted*, That the author or  
20 proprietor of any book, map, chart, musical composition, print, cut, or engraving, for which a copyright shall be secured under the existing acts of Congress, or those which shall hereafter be enacted respecting copyrights, shall, within three months from the publication of said book, map, chart, musical composition, print, cut, or engraving, deliver, or cause to be delivered, one copy of  
25 the same to the librarian of the Smithsonian Institution, and one copy to the Librarian of Congress Library, for the use of said libraries.

Approved, August 10, 1846.

In "The Statutes at Large and Treaties of the United States of America, from December 1, 1845, to March 3, 1851. Edited by George Minot." Vol. 9, 8vo.  
30 Boston, 1851, p. 106.

THIRTY-THIRD CONGRESS, SECOND SESSION, CHAPTER 201, SECTION 5.

AN ACT making appropriations for the service of the Post-Office Department during the fiscal year, ending the thirtieth of June, one thousand eight hundred and fifty-six.

35 1855,  
March 3. SEC. 5. *And be it further enacted*, That all books, maps, charts, or other publications, entered for copyright, and which, under the act of August tenth, eighteen hundred and forty-six, are required to be deposited in the Library of Congress, and in the Smithsonian Institution, may be sent through the mails  
40 free of postage, under such regulations as the Postmaster-General may prescribe.

Approved, March 3, 1855.

In "The Statutes at Large and Treaties of the United States of America, from December 1, 1851, to March 3, 1855. Edited by George Minot." Vol. 10, 8vo.  
45 Boston, 1855, p. 685.



## THIRTY-FOURTH CONGRESS, FIRST SESSION, CHAPTER 169.

1

AN ACT supplemental to an act entitled "An act to amend the several acts respecting copyright," approved February third, eighteen hundred and thirty-one.

1856,  
August 18. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* 5

That any copyright hereafter granted under the laws of the United States to the author or proprietor of any dramatic composition, designed or suited for public representation, shall be deemed and taken to confer upon the said author or proprietor, his heirs or assigns, along with the sole right to print and publish the said composition, the 10 sole right also to act, perform, or represent the same, or cause it to be acted, performed, or represented, on any stage or public place during the whole period for which the copyright is obtained; and any manager, actor, or other person acting, performing, or representing the said composition, without or against the consent of the said author or 15 proprietor, his heirs or assigns, shall be liable to damages to be sued for and recovered by action on the case or other equivalent remedy, with costs of suit in any court of the United States, such damages in all cases to be rated and assessed at such sum not less than one hundred dollars for the first, and fifty dollars for every subsequent perform- 20 ance, as to the court having cognizance thereof shall appear to be just: *Provided, nevertheless,* That nothing herein enacted shall impair any right to act, perform, or represent a dramatic composition as aforesaid, which right may have been acquired, or shall in future be acquired by any manager, actor, or other person previous to the securing of the 25 copyright for the said composition, or to restrict in any way the right of such author to process in equity in any court of the United States for the better and further enforcement of his rights.

Approved, August 18, 1856.

In "The Statutes at Large and Treaties of the United States of America, from 30 December 3, 1855, to March 3, 1859. Edited by George Minot and George P. Sanger." Vol. 11, 8vo. Boston, 1859, pp. 138-139.

## THIRTY-FIFTH CONGRESS, SECOND SESSION, CHAPTER 22, SECTION 8.

AN ACT providing for keeping and distributing all public documents.

1859,  
February 5. SECTION 8. *And be it further enacted,* That all books, 35 maps, charts, and other publications of every nature whatever heretofore deposited in the Department of State according to the laws regulating copyrights, together with all the records of the Department of State in regard to the same, shall be removed to, and be under the control of the Department of the Interior, 40 which is hereby charged with all the duties connected with the same, and with all matters pertaining to copyright, in the same manner and to the same extent that the Department of State is now charged with the same; and hereafter all such publications of every nature what-

1 ever shall, under present laws and regulations, be left with, and kept  
by him.\*

Approved, February 5, 1859.

5 In "The Statutes at Large and Treaties of the United States of America, from  
December 3, 1855, to March 3, 1859. Edited by George Minot and George P.  
Sanger." Vol. 11, 8vo. Boston, 1859, pp. 380-381.

THIRTY-SIXTH CONGRESS, SECOND SESSION, CHAPTER 37.

AN ACT to extend the right of appeal from decisions of circuit courts to the  
Supreme Court of the United States.

10 1861, *Be it enacted by the Senate and House of Representatives*  
February 18. *of the United States of America in Congress assembled,*  
That from all judgments and decrees of any circuit court  
rendered in any action, suit, controversy, or case, at law or in equity,  
arising under any law of the United States granting or confirming to  
15 authors the exclusive right to their respective writings, or to invent-  
ors the exclusive right to their inventions or discoveries, a writ of  
error or appeal, as the case may require, shall lie, at the instance of  
either party, to the Supreme Court of the United States, in the same  
manner and under the same circumstances as is now provided by law  
20 in other judgments and decrees of such circuit courts, without regard  
to the sum or value in controversy in the action.

Approved, February 18, 1861.

25 In "The Statutes at Large, Treaties, and Proclamations of the United States  
of America, from December 5, 1859, to March 3, 1863. Edited by George P.  
Sanger." Vol. 12, 8vo. Boston, 1863, pp. 130-131.

THIRTY-EIGHTH CONGRESS, SECOND SESSION, CHAPTER 126.

AN ACT supplemental to an act entitled "An Act to amend the several acts respecting  
copyright," approved February third, eighteen hundred and thirty-one, and to  
the acts in addition thereto and amendment thereof.

30 1865, *Be it enacted by the Senate and House of Representatives*  
March 3. *of the United States of America in Congress assembled,*  
That the provisions of said act shall extend to and include  
photographs and the negatives thereof which shall hereafter be made,  
and shall enure to the benefit of the authors of the same in the same  
35 manner, and to the same extent, and upon the same conditions as to  
the authors of prints and engravings.

SEC. 2. *And be it further enacted,* That a printed copy of every  
book, pamphlet, map, chart, musical composition, print, engraving,  
or photograph, for which a copyright shall be secured under said acts,  
40 shall be transmitted free of postage or other expense by the author  
or proprietor thereof, within one month of the date of publication, to  
the Library of Congress at Washington for the use of said library; and  
the Librarian of Congress is hereby required to give a receipt in writing  
for the same.

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\*[i. e., the Secretary of the Interior.]

SEC. 3. *And be it further enacted*, That if any proprietor of a book, pamphlet, map, chart, musical composition, print, engraving, or photograph, for which a copyright shall be secured as aforesaid, shall neglect to deliver the same pursuant to the requirement of this act, it shall be the duty of the Librarian of Congress to make demand thereof in writing, at any time within twelve months after the publication thereof; and in default of the delivery thereof within one month after the demand shall have been made, the right of exclusive publication secured to such proprietor under the acts of Congress respecting copyright shall be forfeited. 10

SEC. 4. *And be it further enacted*, That in the construction of this act the word "book" shall be construed to mean every volume and part of a volume, together with all maps, prints or other engravings belonging thereto; and shall include a copy of any second or subsequent edition which shall be published with any additions, whether the first edition of such book shall have been published before or after the passing of this act: *Provided, however*, That it shall not be requisite to deliver to the said library any copy of the second or any subsequent edition of any book, unless the same shall contain additions as aforesaid, nor of any book which is not the subject of copyright. 20

Approved, March 3, 1865.

In "The Statutes at Large, Treaties, and Proclamations of the United States of America, from December, 1863, to December, 1865. Edited by George P. Sanger." Vol. 13, 8vo. Boston, 1866, pp. 540-541. 25

### THIRTY-NINTH CONGRESS, SECOND SESSION, CHAPTER 43.

AN ACT amendatory of the several acts respecting copyrights.

1867,  
February 18. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*,

That every proprietor of a book, pamphlet, map, chart, musical composition, print, engraving, or photograph, for which a copyright shall have been secured, who shall fail to deliver to the Library of Congress at Washington, a printed copy of every such book, pamphlet, map, chart, musical composition, print, engraving, or photograph, within one month after publication thereof, shall, for every such default, be subject to a penalty of twenty-five dollars, to be collected by the Librarian of Congress, in the name of the United States, in any district or circuit court of the United States within the jurisdiction of which the delinquent may reside or be found. 30

SEC. 2. *And be it further enacted*, That every such proprietor may transmit any book, pamphlet, map, chart, musical composition, print, engraving, or photograph, for which he may have secured a copyright, to the Librarian of Congress, by mail free of postage, provided the words "copyright matter" be plainly written or printed on the out- 40

1 side of the package containing the same; and it shall be the duty of  
the several postmasters and deputy postmasters, to give a receipt for  
the same, if requested, and when such package shall be delivered to  
them, or any of them, to see that the same is safely forwarded to its  
5 destination by mail, without cost or charge to said proprietor.

Approved, February 18, 1867.

In "The Statutes at Large of the United States of America, from December,  
1865, to March, 1867. Edited by George P. Sanger." Vol. 14, 8vo. Boston,  
1868, p. 395.

10 FORTY-FIRST CONGRESS, SECOND SESSION, CHAPTER 230,  
SECTIONS 85-111.

AN ACT to revise, consolidate, and amend the statutes relating to patents and  
copyrights.

15 1870,  
July 8. SEC. 85. *And be it further enacted*, That all records and  
other things relating to copyrights and required by law  
to be preserved, shall be under the control of the Librarian of Congress, and kept and preserved in the Library of Congress;  
and the Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the Joint Com-  
20 mittee of Congress on the Library, shall perform all acts and duties  
required by law touching copyrights. The Librarian shall cause a  
seal to be provided for said office, with such device as the Joint Com-  
mittee on the Library may approve, with which all records or papers  
issued from said office, and to be used in evidence, shall be authen-  
25 ticated. He shall also give an additional bond, with sureties, to the  
Treasurer of the United States, in the sum of five thousand dollars,  
with the condition that he will render to the proper officers of the  
Treasury a true account of all moneys received by virtue of his office.  
He shall also make an annual report to Congress of the number and  
30 description of copyright publications for which entries have been  
made during the year. And the Librarian of Congress shall receive  
a yearly compensation of four thousand dollars, to commence when  
this act shall take effect.

SEC. 86. *And be it further enacted*, That any citizen of the United  
35 States, or resident therein, who shall be the author, inventor, designer,  
or proprietor of any book, map, chart, dramatic or musical composi-  
tion, engraving, cut, print, or photograph or negative thereof, or of a  
painting, drawing, chromo, statue, statuary, and of models or designs  
intended to be perfected as works of the fine arts, and his executors,  
40 administrators, or assigns, shall, upon complying with the provisions  
of this act, have the sole liberty of printing, reprinting, publishing,  
completing, copying, executing, finishing, and vending the same; and  
in the case of a dramatic composition, of publicly performing or rep-  
resenting it, or causing it to be performed or represented by others;

and authors may reserve the right to dramatize or to translate their own works. 1

SEC. 87. *And be it further enacted*, That copyrights shall be granted for the term of twenty-eight years from the time of recording the title thereof, in the manner hereinafter directed. 5

SEC. 88. *And be it further enacted*, That the author, inventor, or designer, if he be still living, and a citizen of the United States or resident therein, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the arti- 10 cle so secured a second time, and complying with all other regulations in regard to original copyrights, within six months before the expiration of the first term. And such person shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers, printed in the 15 United States, for the space of four weeks.

SEC. 89. *And be it further enacted*, That copyrights shall be assignable in law, by any instrument of writing, and such assignment shall be recorded in the office of the Librarian of Congress within sixty days after its execution, in default of which it shall be void as against 20 any subsequent purchaser or mortgagee for a valuable consideration, without notice.

SEC. 90. *And be it further enacted*, That no person shall be entitled to a copyright unless he shall, before publication, deposit in the mail a printed copy of the title of the book or other article, or a descrip- 25 tion of the painting, drawing, chromo, statue, statuary, or model or design for a work of the fine arts, for which he desires a copyright, addressed to the Librarian of Congress, and, within ten days from the publication thereof, deposit in the mail two copies of such copyright book or other article, or in case of a painting, drawing, statue, statu- 30 ary, model or design for a work of the fine arts, a photograph of the same, to be addressed to said Librarian of Congress, as hereinafter to be provided.

SEC. 91. *And be it further enacted*, That the Librarian of Congress shall record the name of such copyright book, or other article, forth- 35 with in a book to be kept for that purpose, in the words following: "Library of Congress, to wit. Be it remembered that on the day of , anno Domini , A. B., of , hath deposited in this office the title of a book, (map, chart, or otherwise, as the case may be, or description of the article,) the title or description of which 40 is in the following words, to wit; (here insert the title or description,) the right whereof he claims as author, originator, (or proprietor, as the case may be,) in conformity with the laws of the United States respecting copyrights. C. D., Librarian of Congress." And he shall give a copy of the title or description, under the seal of the Librarian of Con- 45 gress, to said proprietor whenever he shall require it.

1 SEC. 92. *And be it further enacted*, That for recording the title or  
description of any copyright book or other article, the Librarian of  
Congress shall receive, from the person claiming the same, fifty cents;  
5 assigns, fifty cents; and for recording any instrument of writing for  
the assignment of a copyright, fifteen cents for every one hundred  
words; and for every copy thereof, ten cents for every one hundred  
words, which moneys, so received, shall be paid into the Treasury  
of the United States.

10 SEC. 93. *And be it further enacted*, That the proprietor of every  
copyright book or other article shall mail to the Librarian of Congress  
at Washington, within ten days after its publication, two complete  
printed copies thereof, of the best edition issued, or description or  
15 photograph of such article as hereinbefore required, and a copy of  
every subsequent edition wherein any substantial changes shall be  
made.

SEC. 94. *And be it further enacted*, That in default of such deposit  
in the post-office, said proprietor shall be liable to a penalty of twenty-  
five dollars, to be collected by the Librarian of Congress, in the name  
20 of the United States, in an action of debt, in any district court of the  
United States within the jurisdiction of which the delinquent may  
reside or be found.

SEC. 95. *And be it further enacted*, That any such copyright book or  
other article may be sent to the Librarian of Congress by mail, free of  
25 postage, provided the words "Copyright matter" are plainly written  
or printed on the outside of the package containing the same.

SEC. 96. *And be it further enacted*, That the postmaster to whom such  
copyright book, title, or other article is delivered, shall, if requested,  
give a receipt therefor; and when so delivered he shall mail it to its  
30 destination, without cost to the proprietor.

SEC. 97. *And be it further enacted*, That no person shall maintain  
an action for the infringement of his copyright unless he shall give  
notice thereof by inserting in the several copies of every edition pub-  
lished, on the title page or the page immediately following, if it be a  
35 book; or if a map, chart, musical composition, print, cut, engraving,  
photograph, painting, drawing, chromo, statue, statuary, or model or  
design intended to be perfected and completed as a work of the fine  
arts, by inscribing upon some portion of the face or front thereof, or  
on the face of the substance on which the same shall be mounted, the  
40 following words, viz.: "Entered according to act of Congress, in the  
year , by A. B., in the office of the Librarian of Congress, at  
Washington."

SEC. 98. *And be it further enacted*, That if any person shall insert  
or impress such notice, or words of the same purport, in or upon any  
45 book, map, chart, musical composition, print, cut, engraving, or photo-

graph, or other articles herein named, for which he has not obtained a  
copyright, every person so offending shall forfeit and pay one hundred  
dollars; one moiety thereof to the person who shall sue for the same,  
and the other to the use of the United States, to be recovered by action  
in any court of competent jurisdiction.

SEC. 99. *And be it further enacted,* That if any person, after the  
recording of the title of any book as herein provided, shall within the  
term limited, and without the consent of the proprietor of the copy-  
right first obtained in writing, signed in presence of two or more  
witnesses, print, publish, or import, or, knowing the same to be so  
printed, published, or imported, shall sell or expose to sale any copy  
of such book, such offender shall forfeit every copy thereof to said  
proprietor, and shall also forfeit and pay such damages as may be  
recovered in a civil action by such proprietor in any court of compe-  
tent jurisdiction.

SEC. 100. *And be it further enacted,* That if any person, after the  
recording of the title of any map, chart, musical composition, print,  
cut, engraving, or photograph, or chromo, or of the description of  
any painting, drawing, statue, statuary, or model or design intended  
to be perfected and executed as a work of the fine arts, as herein pro-  
vided, shall, within the term limited, and without the consent of the pro-  
prietor of the copyright first obtained in writing, signed in presence of  
two or more witnesses, engrave, etch, work, copy, print, publish, or  
import, either in whole or in part, or by varying the main design with  
intent to evade the law, or, knowing the same to be so printed, pub-  
lished, or imported, shall sell or expose to sale any copy of such map  
or other article, as aforesaid, he shall forfeit to the said proprietor all  
the plates on which the same shall be copied, and every sheet thereof,  
either copied or printed, and shall further forfeit one dollar for every  
sheet of the same found in his possession, either printing, printed,  
copied, published, imported, or exposed for sale; and in case of a paint-  
ing, statue, or statuary, he shall forfeit ten dollars for every copy of  
the same in his possession, or which have by him been sold or exposed  
for sale; one moiety thereof to the proprietor and the other to the use  
of the United States, to be recovered by action in any court of com-  
petent jurisdiction.

SEC. 101. *And be it further enacted,* That any person publicly per-  
forming or representing any dramatic composition for which a copy-  
right has been obtained, without the consent of the proprietor thereof,  
or his heirs or assigns, shall be liable for damages therefor, to be  
recovered by action in any court of competent jurisdiction; said dam-  
ages in all cases to be assessed at such sum, not less than one hundred  
dollars for the first, and fifty dollars for every subsequent perform-  
ance, as to the court shall appear to be just.

SEC. 102. *And be it further enacted,* That any person who shall print

1 or publish any manuscript whatever, without the consent of the author or proprietor first obtained, (if such author or proprietor be a citizen of the United States, or resident therein,) shall be liable to said author or proprietor for all damages occasioned by such injury, to be recovered  
5 by action on the case in any court of competent jurisdiction.

SEC. 103. *And be it further enacted*, That nothing herein contained shall be construed to prohibit the printing, publishing, importation, or sale of any book, map, chart, dramatic or musical composition, print, cut, engraving, or photograph, written, composed, or made by any  
10 person not a citizen of the United States nor resident therein.

SEC. 104. *And be it further enacted*, That no action shall be maintained in any case of forfeiture or penalty under the copyright laws, unless the same is commenced within two years after the cause of action has arisen.

15 SEC. 105. *And be it further enacted*, That in all actions arising under the laws respecting copyrights the defendant may plead the general issue, and give the special matter in evidence.

SEC. 106. *And be it further enacted*, That all actions, suits, controversies, and cases arising under the copyright laws of the United States  
20 shall be originally cognizable, as well in equity as at law, whether civil or penal in their nature, by the circuit courts of the United States, or any district court having the jurisdiction of a circuit court, or in the supreme court of the District of Columbia, or any Territory. And the court shall have power, upon bill in equity, filed by any party  
25 aggrieved, to grant injunctions to prevent the violation of any right secured by said laws, according to the course and principles of courts of equity, on such terms as the court may deem reasonable.

SEC. 107. *And be it further enacted*, That a writ of error or appeal to the Supreme Court of the United States shall lie from all judgments and decrees of any court, in any action, suit, controversy, or  
30 case touching copyrights in the same manner and under the same circumstances as in other judgments and decrees of such courts, without regard to the sum or value in controversy.

SEC. 108. *And be it further enacted*, That in all recoveries under the  
35 copyright laws, either for damages, forfeitures, or penalties, full costs shall be allowed thereon.

SEC. 109. *And be it further enacted*, That all books, maps, charts, and other publications of every nature whatever, heretofore deposited in the Department of the Interior, according to the laws regulating  
40 copyrights, together with all the records of said Department, and all records concerning the same which were removed by the Department of the Interior from the Department of State, shall be removed to and be under the control of the Librarian of Congress, who is hereby charged with all the duties pertaining to copyrights required by law.

45 SEC. 110. *And be it further enacted*, That the clerk of each of the



district courts of the United States shall transmit forthwith to the Librarian of Congress all books, maps, prints, photograph[h]s, music, and other publications of every nature whatever, deposited in the said clerk's office, and not heretofore sent to the Department of the Interior, at Washington, together with all records of copyright in his possession, including the titles so recorded, and the dates of record: *Provided*, That where there are duplicate copies of legal, scientific, or mechanical works, one copy of each may be deposited in the library of the Patent Office, for which a receipt shall be given by the Commissioner of Patents to the Librarian of Congress.

SEC. 111. *And be it further enacted*, That the acts and parts of acts set forth in the schedule of acts cited, hereto annexed, are hereby repealed, without reviving any acts or parts of acts repealed by any of said acts, or by any clause or provisions therein: *Provided, however*, That the repeal hereby enacted shall not affect, impair, or take away any right existing under any of said laws; but all actions and causes of action, both in law and in equity, which have arisen under any of said laws, may be commenced and prosecuted, and if already commenced may be prosecuted to final judgment and execution, in the same manner as though this act had not been passed, excepting that the remedial provisions of this act shall be applicable to all suits and proceedings hereafter commenced: *And provided also*, That all applications for patents pending at the time of the passage of this act, in cases where the duty has been paid, shall be proceeded with and acted on in the same manner as though filed after the passage thereof: *And provided further*, That all offences which are defined and punishable under any of said acts, and all penalties and forfeitures created thereby, and incurred before this act takes effect, may be prosecuted, sued for, and recovered, and such offences punished according to the provisions of said acts, which are continued in force for such purpose.

Schedule of Statutes Cited and Repealed as Printed in the Statutes at Large.

#### COPYRIGHTS.

Act of February 15, 1819, chapter 19, volume 3, page 481.

February 3, 1831, chapter 16, volume 4, page 436.

June 30, 1834, chapter 157, volume 4, page 728.

August 18, 1856, chapter 169, volume 11, page 138.

February 5, 1859, chapter 22, volume 11, page 380.

February 18, 1861, chapter 37, volume 12, page 130.

March 3, 1865, chapter 126, volume 13, page 540.

February 18, 1867, chapter 43, volume 14, page 395.

Approved July 8, 1870.

In "The Statutes at Large and Proclamations of the United States of America, from December, 1869 to March, 1871. Edited by George P. Sanger." Vol. 16, 8vo. Boston, 1871, pp. 212-217.

1 FORTY-SECOND CONGRESS, SECOND SESSION, CHAPTER 335,  
SECTION 184.

AN ACT to revise, consolidate, and amend the statutes relating to the Post-Office Department.<sup>a</sup>

5 1872, *Be it enacted by the Senate and House of Representa-*  
June 8. *tives of the United States of America in Congress assem-*  
*bled, \* \* \**

SEC. 184. That the following mail-matter shall be allowed to pass free in the mail: \* \* \*

10 Fifth. Copyright matter to the librarian of Congress, if marked on the package, "copyright matter." \* \* \*

Approved, June 8, 1872.

15 In "The Statutes at Large and Proclamations of the United States of America, from March, 1871, to March, 1873. Edited by George P. Sanger." Vol. 17, 8vo. Boston, 1873, pp. 283, 306, 307, 330.

REVISED STATUTES, TITLE 13, THE JUDICIARY.

1873,  
DEC. 1.  
(Revision.)

CHAPTER 7.—CIRCUIT COURT—JURISDICTION.

SEC. 629. The circuit courts shall have original jurisdiction as follows: \* \* \* Ninth. Of all suits at law or in equity arising under  
20 the patent or copyright laws of the United States. (Rev. Stat., 1878, pp. 110, 111.)

CHAPTER 11.—SUPREME COURT—JURISDICTION.

SEC. 699. A writ of error may be allowed to review any final judgment at law, and an appeal shall be allowed from any final decree in  
25 equity hereinafter mentioned, without regard to the sum or value in dispute:

First. Any final judgment at law or final decree in equity of any circuit court, or of any district court acting as a circuit court, or of the supreme court of the District of Columbia, or of any Territory,  
30 in any case touching patents-rights or copyrights. (Rev. Stat., 1878, p. 130.)

CHAPTER 12.—PROVISIONS COMMON TO MORE THAN ONE COURT OR JUDGE.

SEC. 711. The jurisdiction vested in the courts of the United States in the cases and proceedings hereinafter mentioned, shall be exclu-  
35 sive of the courts of the several states: \* \* \* Fifth. Of all cases arising under the patent-right or copyright laws of the United States. (Rev. Stat., 1878, pp. 134, 135.)

<sup>a</sup> See note 3, p. 113.

## CHAPTER 18.—PROCEDURE.

1

SEC. 972. In all recoveries under the copyright laws, either for damages, forfeitures, or penalties, full costs shall be allowed thereon. (Rev. Stat., 1878, p. 183.)

In "Revised Statutes of the United States, passed at the first session of the 5  
Forty-third Congress, 1873-74." Second edition, 8vo. Washington, 1878, pp.  
110, 111, 130, 134, 135, 183.

REVISED STATUTES, TITLE 60, PATENTS, TRADE-MARKS AND  
COPYRIGHTS.

1873,

Dec. 1.

(Revision.)

## CHAPTER 3.—COPYRIGHTS.

10

Sec.	Sec.
4948. Copyrights to be under charge of Librarian of Congress.	4962. Publication of notice of entry for copyright prescribed.
4949. Seal of office.	4963. Penalty for false publication of notice of entry.
4950. Bond of Librarian.	4964. Damages for violation of copyright 15 of books.
4951. Annual Report.	4965. For violating copyright of maps, charts, prints, &c.
4952. What publications may be entered for copyright.	4966. For violating copyright of dramatic compositions. 20
4953. Term of copyrights.	4967. Damages for printing or publishing any manuscript without consent of author, &c.
4954. Continuance of term.	4968. Limitation of action in copyright cases. 25
4955. Assignment of copyrights and recording.	4969. Defenses to action in copyright cases.
4956. Deposit of title and published copies.	4970. Injunctions in copyright cases.
4957. Record of entry and attested copy.	4971. Aliens and non-residents not privileged. 30
4958. Fees.	
4959. Copies of copyright works to be furnished to Librarian of Congress.	
4960. Penalty for omission.	
4961. Postmasters to give receipts.	

SEC. 4948. All records and other things relating to copyrights and required by law to be preserved, shall be under the control of the Librarian of Congress, and kept and preserved in the Library of Congress; and the Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the Joint Committee of Congress on the Library, shall perform all acts and duties required by law touching copyrights. 35

SEC. 4949. The seal provided for the office of the Librarian of Congress shall be the seal thereof, and by it all records and papers issued from the office and to be used in evidence shall be authenticated. 40

SEC. 4950. The Librarian of Congress shall give a bond, with sureties, to the Treasurer of the United States, in the sum of five thousand dollars, with the condition that he will render to the proper officers of the Treasury a true account of all moneys received by virtue of his office. 45

1 SEC. 4951. The Librarian of Congress shall make an annual report to Congress of the number and description of copyright publications for which entries have been made during the year.

5 SEC. 4952. Any citizen of the United States or resident therein, who shall be the author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any  
10 such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others. And authors  
15 may reserve the right to dramatize or to translate their own works.

SEC. 4953. Copyrights shall be granted for the term of twenty-eight years from the time of recording the title thereof, in the manner hereinafter directed.

SEC. 4954. The author, inventor, or designer, if he be still living and  
20 a citizen of the United States or resident therein, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights,  
25 within six months before the expiration of the first term. And such person shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers, printed in the United States, for the space of four weeks.

SEC. 4955. Copyrights shall be assignable in law, by any instrument  
30 of writing, and such assignment shall be recorded in the office of the Librarian of Congress within sixty days after its execution; in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice.

SEC. 4956. No person shall be entitled to a copyright unless he shall,  
35 before publication, deliver at the office of the Librarian of Congress or deposit in the mail addressed to the Librarian of Congress, at Washington, District of Columbia, a printed copy of the title of the book or other article, or a description of the painting, drawing, chromo, statue, statuary, or a model or design for a work of the fine  
40 arts, for which he desires a copyright, nor unless he shall also, within ten days from the publication thereof, deliver at the office of the Librarian of Congress or deposit in the mail addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright book or other article, or in case of a painting, drawing,

statue, statuary, model, or design for a work of the fine arts, a photograph of the same. 1

SEC. 4957. The Librarian of Congress shall record the name of such copyright book or other article, forthwith, in a book to be kept for that purpose, in the words following: "Library of Congress, to wit: 5  
Be it remembered that on the            day of           , A. B., of           , hath deposited in this office the title of a book, (map, chart, or otherwise, as the case may be, or description of the article,) the title or description of which is in the following words, to wit: (here insert the title or description,) the right whereof he claims as author, (origi- 10  
nator, or proprietor, as the case may be,) in conformity with the laws of the United States respecting copyrights. C. D., Librarian of Congress." And he shall give a copy of the title or description, under the seal of the Librarian of Congress, to the proprietor whenever he shall require it. 15

SEC. 4958. The Librarian of Congress shall receive, from the persons to whom the services designated are rendered, the following fees:

First. For recording the title or description of any copyright book or other article, fifty cents.

Second. For every copy under seal of such record actually given to 20 the person claiming the copyright, or his assigns, fifty cents.

Third. For recording any instrument of writing for the assignment of a copyright, fifteen cents for every one hundred words.

Fourth. For every copy of an assignment, ten cents for every one hundred words. 25

All fees so received shall be paid into the Treasury of the United States.

SEC. 4959. The proprietor of every copyright book or other article shall deliver at the office of the Librarian of Congress, or deposit in the mail addressed to the Librarian of Congress at Washington, Dis- 30  
trict of Columbia, within ten days after its publication, two complete printed copies thereof, of the best edition issued, or description or photograph of such article as hereinbefore required, and a copy of every subsequent edition wherein any substantial changes shall be made. 35

SEC. 4960. For every failure on the part of the proprietor of any copyright to deliver or deposit in the mail either of the published copies, or description or photograph, required by sections four thousand nine hundred and fifty-six, and four thousand nine hundred and fifty-nine, the proprietor of the copyright shall be liable to a penalty 40  
of twenty-five dollars, to be recovered by the Librarian of Congress, in the name of the United States, in an action in the nature of an action of debt, in any district court of the United States within the jurisdiction of which the delinquent may reside or be found.

1 SEC. 4961. The postmaster to whom such copyright book, title, or other article is delivered, shall, if requested, give a receipt therefor; and when so delivered he shall mail it to its destination.

SEC. 4962. No person shall maintain an action for the infringement  
5 of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title-page or the page immediately following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model or design intended to be perfected  
10 and completed as a work of the fine arts, by inscribing upon some portion of the face or front thereof, or on the face of the substance on which the same shall be mounted, the following words, "Entered according to act of Congress, in the year      , by A. B., in the office of the Librarian of Congress, at Washington."

15 SEC. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, musical composition, print, cut, engraving, or photograph, or other article, for which he has not obtained a copyright, shall be liable to a penalty of one hundred dollars, recoverable one-half for the person who shall  
20 sue for such penalty, and one-half to the use of the United States.

SEC. 4964. Every person who, after the recording of the title of any book as provided by this chapter, shall within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses,  
25 print, publish, or import, or knowing the same to be so printed, published, or imported, shall sell or expose to sale any copy of such book, shall forfeit every copy thereof to such proprietor, and shall also forfeit and pay such damages as may be recovered in a civil action by such proprietor in any court of competent jurisdiction.

30 SEC. 4965. If any person, after the recording of the title of any map, chart, musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this chapter, shall, within the  
35 time limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, or import, either in whole or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published, or imported,  
40 shall sell or expose to sale any copy of such map or other article, as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied, and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported,  
45 or exposed for sale; and in case of a painting, statue, or statuary, he

shall forfeit ten dollars for every copy of the same in his possession, 1  
or by him sold or exposed for sale; one-half thereof to the proprietor  
and the other half to the use of the United States.

SEC. 4966. Any person publicly performing or representing any  
dramatic composition for which a copyright has been obtained, with- 5  
out the consent of the proprietor thereof, or his heirs or assigns, shall  
be liable for damages therefor, such damages in all cases to be assessed  
at such sum, not less than one hundred dollars for the first, and fifty  
dollars for every subsequent performance, as to the court shall appear  
to be just. 10

SEC. 4967. Every person who shall print or publish any manuscript  
whatever, without the consent of the author or proprietor first obtained,  
if such author or proprietor is a citizen of the United States, or resi-  
dent therein, shall be liable to the author or proprietor for all damages  
occasioned by such injury. 15

SEC. 4968. No action shall be maintained in any case of forfeiture or  
penalty under the copyright laws, unless the same is commenced within  
two years after the cause of action has arisen.

SEC. 4969. In all actions arising under the laws respecting copy-  
rights, the defendant may plead the general issue, and give the special 20  
matter in evidence.

SEC. 4970. The circuit courts, and district courts having the jurisdic-  
tion of circuit courts, shall have power, upon bill in equity, filed by any  
party aggrieved, to grant injunctions to prevent the violation of any  
right secured by the laws respecting copyrights, according to the course 25  
and principles of courts of equity, on such terms as the court may  
deem reasonable.

SEC. 4971. Nothing in this chapter shall be construed to prohibit the  
printing, publishing, importation, or sale of any book, map, chart, dra-  
matic or musical composition, print, cut, engraving, or photograph, 30  
written, composed, or made by any person not a citizen of the United  
States nor resident therein.

In "The Revised Statutes of the United States, passed at the first session of  
the Forty-third Congress, 1873-'74." Second edition, 8vo. Washington, 1878,  
pp. 957-960. 35

#### FORTY-THIRD CONGRESS, FIRST SESSION, CHAPTER 301.

AN ACT to amend the law relating to patents, trade marks, and copyrights.

1874,  
June 18. *Be it enacted by the Senate and House of Representatives  
of the United States of America in Congress assembled, That*  
no person shall maintain an action for the infringement of 40  
his copyright unless he shall give notice thereof by inserting in the  
several copies of every edition published, on the title page or the page  
immediately following, if it be a book; or if a map, chart, musical  
composition, print, cut, engraving, photograph, painting, drawing,

1 chromo, statue, statuary, or model or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some visible portion thereof, or of the substance on which the same shall be mounted, the following words, viz: "Entered according to act of Congress, in the year           , by A. B., in the office of the Librarian of Congress, at Washington;" or, at his option the word "Copyright," together with the year the copyright was entered, and the name of the party by whom it was taken out; thus—"Copyright, 18   , by A. B."

SEC. 2. That for recording and certifying any instrument of writing  
10 for the assignment of a copyright, the Librarian of Congress shall receive from the persons to whom the service is rendered, one dollar; and for every copy of an assignment, one dollar; said fee to cover, in either case, a certificate of the record, under seal of the Librarian of Congress; and all fees so received shall be paid into the Treasury of  
15 the United States.

SEC. 3. That in the construction of this act, the words "Engraving," "cut" and "print" shall be applied only to pictorial illustrations or works connected with the fine arts, and no prints or labels designed to be used for any other articles of manufacture shall be entered under  
20 the copyright law, but may be registered in the Patent Office. And the Commissioner of Patents is hereby charged with the supervision and control of the entry or registry of such prints or labels, in conformity with the regulations provided by law as to copyright of prints, except that there shall be paid for recording the title of any print or  
25 label not a trade mark, six dollars, which shall cover the expense of furnishing a copy of the record under the seal of the Commissioner of Patents, to the party entering the same.

SEC. 4. That all laws and parts of laws inconsistent with the foregoing provisions be and the same are hereby repealed.

30 SEC. 5. That this act shall take effect on and after the first day of August, eighteen hundred and seventy-four.

Approved, June 18, 1874.

In "The Statutes at Large of the United States, from December, 1873, to March, 1875." Vol. 18, part 3, 8vo. Washington, 1875, pp. 78-79.

35 Also in "Supplement to the Revised Statutes of the United States. Ed. by William A. Richardson." Vol. 1, 8vo. Washington, 1891, pp. 15-16.

FORTY-FIFTH CONGRESS, THIRD SESSION, CHAPTER 180, SECTION 15.

AN ACT making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other  
40 purposes.

SEC. 15. That foreign newspapers and other periodicals  
1879, of the same general character as those admitted to the  
March 3. second class in the United States may, under the direction of the Postmaster General, on application of the publishers thereof, or  
45 their agents, be transmitted through the mails at the same rates as if



published in the United States. Nothing in this act shall be so construed as to allow the transmission through the mails of any publication which violates any copyright granted by the United States.

Approved, March 3, 1879.

In "The Statutes at Large of the United States of America, from October, 1877, to March, 1879." Vol. 20, 8vo. Washington, 1879, p. 359.

Also in "Supplement to the Revised Statutes of the United States. Ed. by William A. Richardson." Vol. 1, 8vo. Washington, 1891, p. 247.

#### FORTY-SEVENTH CONGRESS, FIRST SESSION, CHAPTER 366.

AN ACT to amend the statutes in relation to copyright.

10

1882,  
August 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

That manufacturers of designs for molded decorative articles, tiles, plaques, or articles of pottery or metal subject to copyright may put the copyright mark prescribed by section forty-nine hundred and sixty-two of the Revised Statutes, and acts additional thereto, upon the back or bottom of such articles, or in such other place upon them as it has heretofore been usual for manufacturers of such articles to employ for the placing of manufacturers, merchants, and trade marks thereon.

20

Approved, August 1, 1882.

In "The Statutes at Large of the United States of America, from December, 1881, to March, 1883." Vol. 22, 8vo. Washington, 1883, p. 181.

Also in "Supplement to the Revised Statutes of the United States. Ed. by William A. Richardson." Vol. 1, 8vo. Washington, 1891, p. 363.

25

#### FIFTY-FIRST CONGRESS, SECOND SESSION, CHAPTER 565.

AN ACT to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights.

1891,  
March 3. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

That section forty-nine hundred and fifty-two of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

SEC. 4952. The author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or repre-

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1 sented by others; and authors or their assigns shall have exclusive right to dramatize and translate any of their works for which copy-right shall have been obtained under the laws of the United States.”

5 SEC. 2. That section forty-nine hundred and fifty-four of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

“SEC. 4954. The author, inventor, or designer, if he be still living, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, within six months before the expiration of the first term; and such persons shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers printed in the United States for the space of four weeks.”

SEC. 3. That section forty-nine hundred and fifty-six of the Revised Statutes of the United States be, and the same is hereby, amended so that it shall read as follows:

20 “SEC. 4956. No person shall be entitled to a copyright unless he shall, on or before the day of publication in this or any foreign country, deliver at the office of the Librarian of Congress, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, a printed copy of the title of the book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, or chromo, or a description of the painting, drawing, statue, statuary, or a model or design for a work of the fine arts for which he desires a copyright, nor unless he shall also, not later than the day of the publication thereof in this or any foreign country, deliver at the office of the Librarian of Congress, at Washington, District of Columbia, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright book, map, chart, dramatic or musical composition, engraving, chromo, cut, print, or photograph, or in case of a painting, drawing, statue, statuary, model, or design for a work of the fine arts, a photograph of the same: *Provided*, That in the case of a book, photograph, chromo, or lithograph, the two copies of the same required to be delivered or deposited as above shall be printed from type set within the limits of the United States, or from plates made therefrom, or from negatives, or drawings on stone made within the limits of the United States, or from transfers made therefrom.<sup>a</sup> During the existence of such copyright the importation into the United States of any book, chromo, litho-

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<sup>a</sup> See note 4, pages 114-115.

graph, or photograph, so copyrighted, or any edition or editions 1  
 thereof, or any plates of the same not made from type set, negatives,  
 or drawings on stone made within the limits of the United States,  
 shall be, and it is hereby, prohibited, except in the cases specified in  
 paragraphs five hundred and twelve to five hundred and sixteen, 5  
 inclusive, in section two of the act entitled 'An act to reduce the  
 revenue and equalize the duties on imports, and for other purposes,'  
 approved October first, eighteen hundred and ninety,<sup>a</sup> and except in  
 the case of persons purchasing for use and not for sale, who import  
 subject to the duty thereon, not more than two copies of such book at 10  
 any one time; and except in the case of newspapers and magazines,  
 not containing in whole or in part matter copyrighted under the pro-  
 visions of this act, unauthorized by the author, which are hereby  
 exempted from prohibition of importation: *Provided, nevertheless,*  
 That in the case of books in foreign languages, of which only transla- 15  
 tions in English are copyrighted the prohibition of importation shall  
 apply only to the translation of the same, and the importation of the  
 books in the original language shall be permitted."<sup>b</sup>

SEC. 4. That section forty-nine hundred and fifty-eight of the  
 Revised Statutes be, and the same is hereby, amended so that it will 20  
 read as follows:

"SEC. 4958. The Librarian of Congress shall receive from the per-  
 sons to whom the services designated are rendered the following fees:

"First. For recording the title or description of any copyright  
 book or other article, fifty cents. 25

"Second. For every copy under seal of such record actually given  
 to the person claiming the copyright, or his assigns, fifty cents.

"Third. For recording and certifying any instrument of writing  
 for the assignment of a copyright, one dollar.

"Fourth. For every copy of an assignment, one dollar. 30

"All fees so received shall be paid into the Treasury of the United  
 States: *Provided,* That the charge for recording the title or descrip-  
 tion of any article entered for copyright, the production of a person  
 not a citizen or resident of the United States, shall be one dollar, to  
 be paid as above into the Treasury of the United States, to defray the 35  
 expenses of lists of copyrighted articles as hereinafter provided for.

"And it is hereby made the duty of the Librarian of Congress to  
 furnish to the Secretary of the Treasury copies of the entries of titles  
 of all books and other articles wherein the copyright has been com-  
 pleted by the deposit of two copies of such book printed from type 40  
 set within the limits of the United States, in accordance with the pro-  
 visions of this act and by the deposit of two copies of such other  
 article made or produced in the United States; and the Secretary of the

<sup>a</sup>See note 5, pages 115-119.

<sup>b</sup>See note 6, pages 119-142.

1 Treasury is hereby directed to prepare and print, at intervals of not more than a week, catalogues of such title-entries for distribution to the collectors of customs of the United States and to the postmasters of all post-offices receiving foreign mails, and such weekly lists, as  
5 they are issued, shall be furnished to all parties desiring them, at a sum not exceeding five dollars per annum; and the Secretary and the Postmaster-General are hereby empowered and required to make and enforce such rules and regulations as shall prevent the importation into the United States, except upon the conditions above  
10 specified, of all articles prohibited by this act."

SEC. 5. That section forty-nine hundred and fifty-nine of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4959. The proprietor of every copyright book or other article shall deliver at the office of the Librarian of Congress, or deposit in the  
15 mail, addressed to the Librarian of Congress, at Washington, District of Columbia, a copy of every subsequent edition wherein any substantial changes shall be made: *Provided, however,* That the alterations, revisions, and additions made to books by foreign authors, heretofore published, of which new editions shall appear subsequently to the tak-  
20 ing effect of this act, shall be held and deemed capable of being copyrighted as above provided for in this act, unless they form a part of the series in course of publication at the time this act shall take effect."

SEC. 6. That section forty-nine hundred and sixty-three of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

25 "SEC. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, dramatic, or musical composition, print, cut, engraving, or photograph, or other article, for which he has not obtained a copyright, shall be liable to a penalty of one hundred dollars, recoverable one-half for the  
30 person who shall sue for such penalty and one-half to the use of the United States."

SEC. 7. That section forty-nine hundred and sixty-four of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4964. Every person, who after the recording of the title of  
35 any book and the depositing of two copies of such book, as provided by this act, shall, contrary to the provisions of this act, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, print, publish, dramatize, translate, or import, or knowing the  
40 same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such book, shall forfeit every copy thereof to such proprietor, and shall also forfeit and pay such damages as may be recovered in a civil action by such proprietor in any court of competent jurisdiction."<sup>a</sup>

SEC. 8. That section forty-nine hundred and sixty-five of the Revised Statutes be, and the same is hereby, so amended as to read as follows:

"SEC. 4965. If any person, after the recording of the title of any map, chart, dramatic or musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statute, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this act, shall within the term limited, contrary to the provisions of this act, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, dramatize, translate, or import, either in whole or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such map or other article as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale, and in case of a painting, statue, or statuary, he shall forfeit ten dollars for every copy of the same in his possession, or by him sold or exposed for sale; one-half thereof to the proprietor and the other half to the use of the United States."

SEC. 9. That section forty-nine hundred and sixty-seven of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4967. Every person who shall print or publish any manuscript whatever without the consent of the author or proprietor first obtained, shall be liable to the author or proprietor for all damages occasioned by such injury."

SEC. 10. That section forty-nine hundred and seventy-one of the Revised Statutes be, and the same is hereby, repealed.

SEC. 11. That for the purpose of this act each volume of a book in two or more volumes, when such volumes are published separately and the first one shall not have been issued before this act shall take effect, and each number of a periodical shall be considered an independent publication, subject to the form of copyrighting as above.

SEC. 12. That this act shall go into effect on the first day of July, anno Domini eighteen hundred and ninety-one.

SEC. 13. That this act shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as [to] its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of

1 which agreement the United States of America may, at its pleasure, become a party to such agreement. The existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this 5 act may require.

Approved, March 3, 1891.

In "The Statutes at Large of the United States of America, from December, 1889, to March, 1891." Vol. 26, 8vo. Washington, 1891, pp. 1106-1110.

10 Also in "Supplement to the Revised Statutes of the United States. Ed. by William A. Richardson." Vol. 1, 8vo. Washington, 1891, pp. 951-954.

#### FIFTY-SECOND CONGRESS, SECOND SESSION, CHAPTER 74.

AN ACT to establish a court of appeals for the District of Columbia, and for other purposes.

15 1893, SEC. 8. That any final judgment or decree of the said court of appeals [of the District of Columbia] may be February 9. re-examined and affirmed, reversed, or modified by the Supreme Court of the United States, upon writ of error or appeal, in all causes in which the matter in dispute, exclusive of costs, shall exceed the sum of five thousand dollars, in the same man- 20 ner and under the same regulations as heretofore provided for in cases of writs of error on judgment or appeals from decrees rendered in the supreme court of the District of Columbia; and also in cases, without regard to the sum or value of the matter in dispute, wherein is involved the validity of any patent or copyright, or in which is drawn in ques- 25 tion the validity of a treaty or statute of or an authority exercised under the United States.

In "The Statutes at Large of the United States of America, from December, 1891, to March, 1893." Vol. 27, 8vo. Washington, 1893, p. 436.

30 Also in "Supplement to the Revised Statutes of the United States. Ed. by William A. Richardson." Vol. 2, 8vo. Washington, 1895-1900, p. 79.

#### FIFTY-SECOND CONGRESS, SECOND SESSION, CHAPTER 215.

AN ACT relating to copyrights.

1893, *Be it enacted by the Senate and House of Representatives*  
March 3. *of the United States of America in Congress assembled,*  
35 That any author, inventor, designer, or proprietor of any book, or other article entitled to copyright, who has heretofore failed to deliver in the office of the Librarian of Congress, or in the mail addressed to the Librarian of Congress, two complete copies of such book, or description or photograph of such article, within the time 40 limited by title sixty, chapter three, of the Revised Statutes relating to copyrights, and the acts in amendment thereof, and has complied with all other provisions thereof, who has, before the first day of March, anno Domini eighteen hundred and ninety-three, delivered at

the office of the Librarian of Congress, or deposited in the mail 1  
addressed to the Librarian of Congress two complete printed copies  
of such book, or description, or photograph of such article, shall be  
entitled to all the rights and privileges of said title sixty, chapter  
three, of the Revised Statutes and the acts in amendment thereof. 5

Approved, March 3, 1893.

In "The Statutes at Large of the United States of America, from December,  
1891, to March, 1893." Vol. 27, 8vo. Washington, 1893, p. 743.

FIFTY-THIRD CONGRESS, THIRD SESSION, CHAPTER 23, SECTION 52.

AN ACT providing for the public printing and binding and the distribution of public 10  
documents.

1895,  
Jan. 12. SEC. 52. The Public Printer shall sell, under such  
regulations as the Joint Committee on Printing may pre-  
scribe, to any person or persons who may apply additional  
or duplicate stereotype or electrotype plates from which any Gov- 15  
ernment publication is printed, at a price not to exceed the cost of  
composition, the metal and making to the Government and ten per  
centum added: *Provided*, That the full amount of the price shall be  
paid when the order is filed: *And provided further*, That no publica-  
tion reprinted from such stereotype or electrotype plates and no other 20  
Government publication shall be copyrighted.

Approved, January 12, 1895.

In "The Statutes at Large of the United States of America, from August, 1893,  
to March, 1895." Vol. 28, 8vo. Washington, 1895, p. 608.

Also in "Supplement to the Revised Statutes of the United States. Ed. by 25  
William A. Richardson." Vol. 2, 8vo. Washington, 1895-1900, p. 348.

FIFTY-THIRD CONGRESS, THIRD SESSION, CHAPTER 194.

AN ACT to amend section forty-nine hundred and sixty-five, chapter three, title  
sixty, of the Revised Statutes of the United States, relating to copyrights.

1895,  
March 2. *Be it enacted by the Senate and House of Representatives* 30  
*of the United States of America in Congress assembled*, That  
section forty-nine hundred and sixty-five, chapter three,  
title sixty, of the Revised Statutes, be, and the same is hereby,  
amended so as to read as follows:

"SEC. 4965. If any person, after the recording of the title of any 35  
map, chart, dramatic or musical composition, print, cut, engraving,  
or photograph, or chromo, or of the description of any painting,  
drawing, statue, statuary, or model or design intended to be perfected  
and executed as a work of the fine arts, as provided by this act, shall,  
within the term limited, contrary to the provisions of this act, and 40  
without the consent of the proprietor of the copyright first obtained  
in writing, signed in presence of two or more witnesses, engrave, etch,

1 work, copy, print, publish, dramatize, translate, or import, either in whole or in part, or by varying the main design, with intent to evade the law, or, knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such  
 5 map or other article, as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied, and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale; and in case of a  
 10 painting, statue, or statuary, he shall forfeit ten dollars for every copy of the same in his possession, or by him sold or exposed for sale: *Provided, however*, That in case of any such infringement of the copyright of a photograph made from any object not a work of fine arts, the sum to be recovered in any action brought under the provisions of  
 15 this section shall be not less than one hundred dollars, nor more than five thousand dollars, and: *Provided, further*, That in case of any such infringement of the copyright of a painting, drawing, statue, engraving, etching, print, or model or design for a work of the fine arts or of a photograph of a work of the fine arts, the sum to be recovered in any  
 20 action brought through the provisions of this section shall be not less than two hundred and fifty dollars, and not more than ten thousand dollars. One-half of all the foregoing penalties shall go to the proprietors of the copyright and the other half to the use of the United States."

25 Approved, March 2, 1895.

In "The Statutes at Large of the United States of America, from August, 1893, to March, 1895." Vol. 28, 8vo. Washington, 1895, p. 965.

Also in "Supplement to the Revised Statutes of the United States. Ed. by William A. Richardson." Vol. 2, 8vo. Washington, 1895-1900, p. 437.

30 FIFTY-FOURTH CONGRESS, SECOND SESSION, CHAPTER 4.

AN ACT to amend title sixty, chapter three, of the Revised Statutes relating to copyrights.

1897,  
 Jan. 6. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That  
 35 section forty-nine hundred and sixty-six of the Revised

Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4966. Any person publicly performing or representing any dramatic or musical composition for which a copyright has been obtained, without the consent of the proprietor of said dramatic  
 40 or musical composition, or his heirs or assigns, shall be liable for damages therefor, such damages in all cases to be assessed at such sum, not less than one hundred dollars for the first and fifty dollars for every subsequent performance, as to the court shall appear to be



just. If the unlawful performance and representation be willful and 1  
for profit, such person or persons shall be guilty of a misdemeanor  
and upon conviction be imprisoned for a period not exceeding one  
year. Any injunction that may be granted upon hearing after notice  
to the defendant by any circuit court of the United States, or by a 5  
judge thereof, restraining and enjoining the performance or repre-  
sentation of any such dramatic or musical composition may be served  
on the parties against whom such injunction may be granted anywhere  
in the United States, and shall be operative and may be enforced by  
proceedings to punish for contempt or otherwise by any other circuit 10  
court or judge in the United States; but the defendants in said action,  
or any or either of them, may make a motion in any other circuit in  
which he or they may be engaged in performing or representing said  
dramatic or musical composition to dissolve or set aside the said injunc-  
tion upon such reasonable notice to the plaintiff as the circuit court or 15  
the judge before whom said motion shall be made shall deem proper;  
service of said motion to be made on the plaintiff in person or on his  
attorneys in the action. The circuit courts or judges thereof shall  
have jurisdiction to enforce said injunction and to hear and determine  
a motion to dissolve the same, as herein provided, as fully as if the 20  
action were pending or brought in the circuit in which said motion is  
made."

"The clerk of the court, or judge granting the injunction, shall,  
when required to do so by the court hearing the application to dissolve  
or enforce said injunction, transmit without delay to said court a certi- 25  
fied copy of all the papers on which the said injunction was granted  
that are on file in his office."

Approved, January 6, 1897.

In "The Statutes at Large of the United States of America, from December,  
1895, to March, 1897." Vol. 29, 8vo. Washington, 1897, pp. 481-482. 30

Also in "Supplement to the Revised Statutes of the United States. Ed. by  
William A. Richardson." Vol. 2, 8vo. Washington, 1895-1900, p. 536.

FIFTY-FOURTH CONGRESS, SECOND SESSION, CHAPTER 265.—COPY-  
RIGHT DEPARTMENT.

AN ACT making appropriations for the legislative, executive, and judicial expenses 35  
of the Government for the fiscal year ending June thirtieth, eighteen hundred and  
ninety-eight, and for other purposes.

COPYRIGHT DEPARTMENT: For the following under the  
1897,  
Feb. 19. direction of the Librarian of Congress, necessary for the  
execution of the copyright law, namely: Register of copy- 40  
rights, three thousand dollars, who shall, on and after July first,  
eighteen hundred and ninety-seven, under the direction and supervision  
of the Librarian of Congress, perform all the duties relating to copy-  
rights, and shall make weekly deposits with the Secretary of the

1 Treasury, and make monthly reports to the Secretary of the Treasury  
and to the Librarian of Congress, and shall, on and after July first,  
eighteen hundred and ninety-seven, give bond to the Librarian of  
Congress in the sum of twenty thousand dollars, with approved sure-  
5 ties, for the faithful discharge of his duties; two clerks, at one thousand  
eight hundred dollars each; two clerks, at one thousand six hundred  
dollars each; three clerks, at one thousand four hundred dollars each;  
ten clerks, at one thousand two hundred dollars each; ten clerks, at  
nine hundred dollars each; two clerks, at seven hundred and twenty  
10 dollars each; in all, thirty-six thousand four hundred and forty dollars.

\* \* \* \* \*

The Librarian of Congress shall on and after July first, eighteen  
hundred and ninety-seven, give bond, payable to the United States, in  
the sum of twenty thousand dollars, with sureties approved by the  
Secretary of the Treasury, for the faithful discharge of his duties  
15 according to law.

The Librarian of Congress shall make to Congress at the beginning  
of each regular session, a report for the preceding fiscal year, as to  
the affairs of the Library of Congress, including the copyright busi-  
ness, and said report shall also include a detailed statement of all  
20 receipts and expenditures on account of the Library and said copy-  
right business.

Approved, February 19, 1897.

In "The Statutes at Large of the United States of America, from December,  
1895, to March, 1897." Vol. 29, 8vo. Washington, 1897, p. 545, 546.

25 Also in "Supplement to the Revised Statutes of the United States. Ed. by  
William A. Richardson." Vol. 2, 8vo. Washington, 1895-1900, p. 554.

#### FIFTY-FOURTH CONGRESS, SECOND SESSION, CHAPTER 392.

AN ACT to amend title sixty, chapter three, of the Revised Statutes of the United  
States relating to copyrights.

30 1897, *Be it enacted by the Senate and House of Representatives*  
March 3. *of the United States of America in Congress assembled,*  
That section forty-nine hundred and sixty-three of the  
Revised Statutes of the United States be, and the same is hereby,  
amended so as to read as follows:

35 "SEC. 4963. Every person who shall insert or impress such notice,  
or words of the same purport, in or upon any book, map, chart, dra-  
matic or musical composition, print, cut, engraving or photograph,  
or other article, whether such article be subject to copyright or other-  
wise, for which he has not obtained a copyright, or shall knowingly  
40 issue or sell any article bearing a notice of United States copyright  
which has not been copyrighted in this country; or shall import any  
book, photograph, chromo, or lithograph or other article bearing

such notice of copyright or words of the same purport, which is not copyrighted in this country, shall be liable to a penalty of one hundred dollars, recoverable one-half for the person who shall sue for such penalty and one-half to the use of the United States; and the importation into the United States of any book, chromo, lithograph, or photograph, or other article bearing such notice of copyright, when there is no existing copyright thereon in the United States, is prohibited; and the circuit courts of the United States sitting in equity are hereby authorized to enjoin the issuing, publishing, or selling of any article marked or imported in violation of the United States copyright laws, at the suit of any person complaining of such violation: *Provided*, That this act shall not apply to any importation of or sale of such goods or articles brought into the United States prior to the passage hereof."

SEC. 2. That all laws and parts of laws inconsistent with the foregoing provision be, and the same are hereby, repealed.

Approved, March 3, 1897.

In "The Statutes at Large of the United States of America, from December, 1895, to March, 1897." Vol. 29, 8vo. Washington, 1897, pp. 694-695.

Also in "Supplement to the Revised Statutes of the United States. Ed. by William A. Richardson." Vol. 2, 8vo. Washington, 1895-1900, p. 613.

#### FIFTY-SIXTH CONGRESS, FIRST SESSION, CHAPTER 192.—[COPYRIGHT OFFICE.]

AN ACT making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

1900,  
April 17.      COPYRIGHT OFFICE, under the direction of the Librarian of Congress: Register of copyrights, three thousand dollars; four clerks, at one thousand eight hundred dollars each; four clerks, at one thousand six hundred dollars each; two clerks, at one thousand four hundred dollars each; nine clerks, at one thousand two hundred dollars each; three clerks, at one thousand dollars each; eight clerks, at nine hundred dollars each; seven clerks, at seven hundred and twenty dollars each; one clerk, six hundred dollars; one messenger boy, three hundred and sixty dollars; Arrears, special service: Three clerks, at one thousand two hundred dollars each; one porter, seven hundred and twenty dollars; one messenger boy, three hundred and sixty dollars; in all, fifty-one thousand and eighty dollars.

Approved, April 17, 1900.

In "The Statutes at Large of the United States of America, from December, 1899, to March, 1901." Vol. 31, 8vo. Washington, 1901, p. 95.

## 1 FIFTY-EIGHTH CONGRESS, SECOND SESSION, CHAPTER 2.

AN ACT to afford protection to exhibitors of foreign literary, artistic, or musical works at the Louisiana Purchase Exposition. <sup>a</sup>

5 1904,  
January 7. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*  
That the author of any book, map, chart, dramatic composition, musical composition, engraving, cut, print, chromo, lithograph, or photograph published abroad prior to November thirtieth, nineteen hundred and four, but not registered for copyright protection  
10 in the United States copyright office, or the heirs and assigns of such author, shall have in the case of any such book, map, chart, dramatic composition, musical composition, engraving, cut, print, chromo, lithograph, or photograph intended for exhibition at the Louisiana Purchase Exposition the sole liberty of printing, reprinting, publishing,  
15 copying, and vending the same within the limits of the United States for the term herein provided for upon complying with the provisions of this Act.

SEC. 2. That one copy of such book, map, chart, dramatic composition, musical composition, engraving, cut, print, chromo, lithograph,  
20 or photograph to be exhibited as herein provided shall be delivered at the copyright office, Library of Congress, at Washington, District of Columbia, with a statement duly subscribed to in writing that the book or other article is intended for such exhibition and that the copyright protection herein provided for is desired by the copyright proprietor,  
25 whose full name and legal residence is to be stated in the application.

SEC. 3. That the register of copyrights shall record the title of each volume of any such book or other article herein provided for, or if the article lacks a title, shall record a brief description of it sufficient to identify it, in a special series of record books to be designated the  
30 "Interim copyright record books," and shall furnish to the copyright claimant a copy of record under seal of such recorded title or description, and the said title or description is to be included in the Catalogue of Title Entries provided for in section four of the act of March third, eighteen hundred and ninety-one.

35 SEC. 4. That a fee of one dollar and fifty cents shall be paid to the register of copyrights for each title or description to be recorded and a certified copy of the record of the same, and in the case of a work in more than one volume the same amount, one dollar and fifty cents, shall be paid for each volume, and the register of copyrights shall  
40 deposit all such fees paid in the Treasury of the United States, and report and account for the same in accordance with the provisions in

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<sup>a</sup> For importation under this act, see note 8, page 142.

relation to copyright fees of the appropriation act approved February 1 nineteenth, eighteen hundred and ninety-seven.

SEC. 5. That the copyright protection herein provided for shall be for the term of two years from the date of the receipt of the book or other article in the copyright office.

SEC. 6. That if at any time during the term of the copyright protection herein provided for, two copies of the original text of any such book, or of a translation of it in the English language, printed from type set within the limits of the United States or from plates made therefrom, or two copies of any such photograph, chromo, or lithograph printed from negatives or drawings on stone made within the limits of the United States or from transfers made therefrom, are deposited in the copyright office, Library of Congress, at Washington, District of Columbia, such deposit shall be held to extend the term of copyright protection to such book, photograph, chromo, or lithograph for the full terms provided for in title sixty, chapter three, of the Revised Statutes of the United States, computed from the date of the receipt of the book, photograph, chromo, or lithograph and the registration of the title or description as herein provided for.

SEC. 7. That in the case of an original work of the fine arts (a painting, drawing, statue, statuary, and a model or design intended to be perfected as a work of the fine arts) which has been produced without the limits of the United States prior to the thirtieth day of November, nineteen hundred and four, and is intended for exhibition at the Louisiana Purchase Exposition, the author of such work of art, or his heirs and assigns, shall be granted copyright protection therefor during a period of two years from the date of filing in the copyright office, Library of Congress, at Washington, District of Columbia, a description of the said work of art and a photograph of it, and upon paying to the register of copyrights one dollar and fifty cents for the registration of such description, and a copy of record under seal of such recorded description.

SEC. 8. That, except in so far as this Act authorizes and provides for temporary copyright protection during the period and for the purposes herein provided for, it shall not be construed or held to in any manner affect or repeal any of the provisions of the Revised Statutes relating to copyrights and the Acts amendatory thereof. That no registration under this Act shall be made after the thirtieth day of November, nineteen hundred and four.

Approved, January 7, 1904.

40

In "The Statutes at Large of the United States of America, from November, 1903, to March, 1905." Vol. 33, part 1, 8vo. Washington, 1905, pp. 4-5.

## 1 FIFTY-EIGHTH CONGRESS, THIRD SESSION, CHAPTER 1432.

AN ACT to amend section forty-nine hundred and fifty-two of the Revised Statutes.

1905, *Be it enacted by the Senate and House of Representatives*  
March 3. *of the United States of America in Congress assembled,*

5 That section forty-nine hundred and fifty-two of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

“SEC. 4952. The author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut,  
10 print, or photograph, or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publish-  
15 ing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others. And authors or their assigns shall have exclusive right to dramatize or translate any of their works for which copyright shall have been  
20 obtained under the laws of the United States.

“Whenever the author or proprietor of a book in a foreign language, which shall be published in a foreign country before the day of publication in this country, or his executors, administrators, or assigns, shall deposit one complete copy of the same, including all maps and other illustrations, in the Library of Congress, Washington, District of Columbia,  
25 within thirty days after the first publication of such book in a foreign country, and shall insert in such copy, and in all copies of such book sold or distributed in the United States, on the title page or the page immediately following, a notice of the reservation of copyright in the name of the proprietor, together with the true date of first publication  
30 of such book, in the following words: ‘Published \_\_\_\_\_, nineteen hundred and \_\_\_\_\_, Privilege of copyright in the United States reserved under the Act approved \_\_\_\_\_, nineteen hundred and five, by \_\_\_\_\_,’ and shall, within twelve months after the first publication of such  
35 book in a foreign country, file the title of such book and deposit two copies of it in the original language or, at his option, of a translation of it in the English language, printed from type set within the limits of the United States, or from plates made therefrom, containing a notice of copyright, as provided by the copyright laws now in force,  
40 he and they shall have during the term of twenty-eight years from the date of recording the title of the book or of the English translation of it, as provided for above, the sole liberty of printing, reprinting, publishing, vending, translating and dramatizing the said book: *Provided*, That this Act shall only apply to a citizen or subject of a foreign State  
45 or nation when such foreign State or nation permits to citizens of the

United States of America the benefit of copyright on substantially the same basis as to its own citizens."

Approved, March 3, 1905.

In "The Statutes at Large of the United States of America, from November, 1903, to March, 1905." Vol. 33, part 1, 8vo. Washington, 1905, pp. 1000-1001. 5

## V.

### PRIVATE ACTS RELATING TO COPYRIGHT PASSED BY THE CONGRESS OF THE UNITED STATES: 1828-1898.

#### TWENTIETH CONGRESS, FIRST SESSION, CHAPTER 145.

AN ACT to continue a copy-right to John Rowlett.

10

1828,  
May 24.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*  
That a copy-right be continued and granted, and the same is hereby continued and granted to John Rowlett, for a book, entitled "Rowlett's Tables of Discount or Interest," for the term of fourteen 15 years from the passage of this act, with all the rights and privileges, and the same remedies against any person who shall interfere with his right, as are provided by existing laws in relation to copyrights: *Provided*, That it shall be lawful for any person or persons who may heretofore have published copies of said book, or of parts 20 thereof, to sell such as may have been heretofore published: *And provided further*, That the said John Rowlett, shall, within two months of the passage of this act, deposit in the office of the district clerk of the eastern district of Pennsylvania, a copy of the title of his book, with the additions as now printed, to be recorded, and shall cause a 25 copy of the said record to be advertised, once a week, for four weeks in succession, in one or more newspapers printed in the United States, and to be inserted on the back of the title-page of the books now printed, and shall, within six months, deposit a copy of said book in the office of the Secretary of State. 30

Approved, May 24, 1828.

In "The Public Statutes at Large of the United States of America, from the Organization of the Government in 1789, to March 3, 1845. Edited by Richard Peters." Vol. 6, 8vo. Boston, 1846, pp. 389-390.

#### TWENTY-FIRST CONGRESS, FIRST SESSION, CHAPTER 13.

35

AN ACT to amend "An Act to continue a copyright of [sic] John Rowlett."

1830,  
February 11.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*  
That notwithstanding any thing contained in the last proviso of the "Act to continue a copyright to John Rowlett," approved 40 the twenty-fourth day of May, one thousand eight hundred and twenty-eight, only such of the printed books, entitled Rowlett's Tables

1 of Discount or Interest, as were in the possession of the said John Rowlett, at the time of the passage of the said act, are, or shall be, required to contain on the back of the title-page of each, a copy of the record of the title of the book in the office of the clerk of the  
5 district court for the eastern district of Pennsylvania.

Approved, February 11, 1830.

In "The Public Statutes at Large of the United States of America, from the Organization of the Government in 1789, to March 3, 1845. Edited by Richard Peters." Vol. 6, 8vo. Boston, 1846, p. 403.

10 TWENTY-SEVENTH CONGRESS, THIRD SESSION, CHAPTER 140.

AN ACT supplemental to the act of the twenty-fourth May, one thousand eight hundred and twenty-eight, to continue a copyright to John Rowlett.

*Be it enacted by the Senate and House of Representatives*  
 1843,  
 March 3. *of the United States of America in Congress assembled,*  
 15 That the copyright of John Rowlett, of Philadelphia, as author of a useful book, called Rowlett's Tables of Discount and Interest, the title whereof was deposited, on the fourth day of February, A. D. one thousand eight hundred and two, in the office of the clerk of the district court of the United States for the district of  
 20 Pennsylvania, which copyright was continued by act of Congress dated the twenty-fourth of May, A. D. one thousand eight hundred and twenty-eight, be, and the said copyright of John Rowlett is hereby, prolonged and continued forward during the term of fourteen years, to begin from and at the fourth of February, A. D. one thousand  
 25 eight hundred and forty-four, with all rights, remedies, and privileges, conferred by copyright by any law of the United States, including all improvements and enlargements of the said book thereto made, at any till the present time, by the said John Rowlett: *Provided*, That within  
 30 two months next after the passage of this act he shall in all things comply with the provisions of the laws concerning copyrights, as to recording, publishing, depositing, and otherwise manifesting his said copyright, in his original work, and all subsequent improvements and enlargements, or other changes thereof whatever.

Approved, March 3, 1843.

35 In "The Public Statutes at Large of the United States of America, from the Organization of the Government in 1789, to March 3, 1845. Edited by Richard Peters." Vol. 6, 8vo. Boston, 1846, p. 897.

THIRTIETH CONGRESS, SECOND SESSION, CHAPTER 57.

AN ACT for the relief of Levi H. Corson, and for other purposes.

*Be it enacted by the Senate and House of Representatives*  
 1849,  
 February 19. *of the United States of America in Congress assembled,*  
 That Levi H. Corson be, and he hereby is, authorized to deposit in the office of the clerk of the northern district of New York,



the title of the print of a certain perpetual calendar or almanac, of which 1  
 he alleges himself to be the original, sole, and only author, inventor,  
 and proprietor, and to pursue the usual legal measures for the pur-  
 pose of obtaining a copyright, with like effect, to all intents and pur- 5  
 poses, as would have been produced if he had not already, by mistake,  
 proceeded in the southern district of New York, or printed, published,  
 sold, or disposed of the same: *Provided, always,* That nothing herein  
 contained shall be so construed to affect in any way whatever the  
 rights of persons, who, by reason of the proceedings heretofore  
 adopted by the said Levi H. Corson, or otherwise, have printed, pub- 10  
 lished, or vended the said work, or have in any manner availed them-  
 selves of the said invention, in the absence of a copy-right duly  
 obtained by the authors.

SEC. 2. *And be it further enacted by the authority aforesaid,* That  
 before the said Levi H. Corson shall avail himself of the benefits of this 15  
 act, he shall give public notice of the same, in the manner and at the  
 times when publication is made of the copy of the record of his deposit  
 in the office of the clerk of the proper district according to law.

Approved, February 19, 1849.

In "The Statutes at Large and Treaties of the United States of America, from 20  
 December 1, 1845, to March 3, 1851. Edited by George Minot." Vol. 9, 8vo.  
 Boston, 1851, p. 763.

### THIRTY-THIRD CONGRESS, FIRST SESSION, CHAPTER 187.

AN ACT for the purchase of the copyright of a work published by Thomas H.  
 Sumner, wherein he describes his new method of ascertaining a ship's position 25  
 at sea.

*Be it enacted by the Senate and House of Representatives*  
 1854,  
 August 2. *of the United States of America in Congress assembled,*

That in consideration of the transfer to the United States  
 of the copyright of a work wherein Thomas H. Sumner fully describes 30  
 his new method of ascertaining a ship's position at sea, when a meri-  
 dian observation of the sun cannot be obtained, there be paid, out of  
 any money in the treasury not otherwise appropriated, to the said  
 Thomas H. Sumner, or his lawful agent or attorney, the sum of ten  
 thousand dollars. 35

SEC. 2. *An [and] be it further enacted,* That after the said transfer  
 shall be made, and the said sum paid, the said copyright shall be  
 deemed extinct, and said book may thereafter be published as if no  
 such right had existed.

Approved, August 2, 1854.

40

In "The Statutes at Large and Treaties of the United States of America, from  
 December 1, 1851, to March 3, 1855. Edited by G. Minot." Vol. 10, 8vo. Bos-  
 ton, 1855, p. 810.

## 1 THIRTY-FIFTH CONGRESS, SECOND SESSION, CHAPTER 16.

AN ACT for the relief of Mistress Henry R. Schoolcraft.

*Be it enacted by the Senate and House of Representatives  
of the United States of America in Congress assembled,*  
1859,  
January 25.

5 That the Secretary of the Interior be, and he is hereby,  
required to cause a copyright to issue securing to Mistress Henry R.  
Schoolcraft, to her heirs, assigns, and legal representatives, the exclu-  
sive right to republish the book entitled "History, Statistics, Condition,  
and Prospects of the Indian Tribes of the United States," heretofore  
10 published under order of Congress, and to make and publish any abridg-  
ment or compilation thereof for the term of fourteen years from the  
passage of this act; and he is further required to transfer and deliver  
to said Mistress Schoolcraft all the plates, the property of the United  
States, used in the printing and illustration of said book: *Provided,*  
15 That the same be accepted in full satisfaction of all manner of claim  
for compensation for work, time, or money expended in the collection  
of materials for said book by Henry R. Schoolcraft.

Approved, January 25, 1859.

20 In "The Statutes at Large and Treaties of the United States of America, from  
December 3, 1855 to March 3, 1859. Edited by George Minot and George P.  
Sanger. Vol. 11, 8vo. Boston, 1859, pp. 557-558.

THIRTY-NINTH CONGRESS, FIRST SESSION, CHAPTER 99.

AN ACT for the relief of Mrs. William L. Herndon.

*Be it enacted by the Senate and House of Representatives  
of the United States of America in Congress assembled,*  
1866,  
May 24.

25 That the Secretary of the Interior be, and he is hereby,  
required to cause a copyright to issue securing to Mrs. William L.  
Herndon, to her heirs, assigns, and legal representatives, the exclusive  
right to republish the book entitled "Exploration of the Valley of the  
30 Amazon," heretofore published under order of Congress, and to pub-  
lish the same for the term of fourteen years from the passage of this  
act.

Approved, May 24, 1866.

35 In "The Statutes at Large, Treaties, and Proclamations of the United States of  
America, from December, 1865, to March, 1867. Edited by George P. Sanger."  
Vol. 14, 8vo. Boston, 1868, p. 587.

FORTY-THIRD CONGRESS, FIRST SESSION, CHAPTER 534.

AN ACT for the relief of William Tod Helmuth, of New York.

40 1874,  
June 23. ' Whereas, William Tod Helmuth, doctor of medicine, of  
the city of New York, has composed and is the author of a  
book entitled "A System of Surgery, by William Tod  
Helmuth, M. D.," in the entering of the title of which book with the  
Librarian of Congress at Washington, on or about the twenty-second

day of August, eighteen hundred and seventy-two, an imperfect copy 1  
of the title thereof was deposited, and the act relating to copy-rights  
has been otherwise not complied with, but without any improper intent,  
on the part of said William Tod Helmuth, doctor of medicine: There-  
fore, 5

*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled,* That said William  
Tod Helmuth, doctor of medicine, the author of the book entitled  
“A System of Surgery, by William Tod Helmuth, M. D.,” may,  
within ninety days from the passage of this act, enter an amended and 10  
corrected title of said book, and deposit two copies of said book with  
the Librarian of Congress at Washington, who is hereby directed to  
receive the same; and that upon complying with this law, the right  
of said William Tod Helmuth, doctor of medicine, to his said book,  
and to the copyright thereof, shall be the same in all respects as 15  
though all the requirements of the copyright laws of the United States  
had been duly complied with when said imperfect title was first  
recorded with the Librarian of Congress in eighteen hundred and  
seventy-two, and when said book was first published. And it shall  
not be necessary for said William Tod Helmuth, doctor of medicine, 20  
to insert in the copies of such book any other or further notice of  
copyright thereto than would have been required had the copyright  
laws been originally duly complied with.

Approved, June 23, 1874.

In “The Statutes at Large of the United States, from December, 1873, to 25  
March, 1875.” Vol. 18, part 3, 8vo. Washington, 1875, p. 618.

#### FIFTY-FIFTH CONGRESS, SECOND SESSION, CHAPTER 29.

AN ACT for the relief of Judson Jones.

*Be it enacted by the Senate and House of Representatives  
of the United States of America in Congress assembled,* 30  
1898,  
February 17. That the copyright of Judson Jones, a citizen of the  
United States residing in the State of Minnesota, in and to a book  
entitled “The Alphabet of Orthoepey,” originally published in eighteen  
hundred and seventy, is hereby declared valid to all intents and pur-  
poses, and the said Judson Jones, author of said book, is hereby author- 35  
ized to file with the Librarian of Congress the title thereof as it appears  
in the printed book aforesaid, and such filing is hereby made and  
declared a valid filing if made at any time within ninety days after the  
passage of this act, and the extension of copyright obtained thereon for  
the fourteen years following the said eleventh day of January, eighteen 40  
hundred and ninety-eight, is hereby declared a valid copyright.

Approved, February 17, 1898.

In “The Statutes at Large of the United States of America, from March, 1897,  
to March, 1898.” Vol. 30, 8vo. Washington, 1899, p. 1396.

1

## VI.

## TERRITORIAL POSSESSIONS OF THE UNITED STATES.

## HAWAII, PORTO RICO AND THE PHILIPPINES.

## PRELIMINARY NOTE.

5 The Attorney General, in an opinion dated December 2, 1898, the full text of which follows, held that the inhabitants of HAWAII were not "in the absence of affirmative legislation by Congress to that effect, entitled to the benefits of our copyright laws." Since that date, however, on April 30, 1900, an "Act to provide a government  
10 for the Territory of Hawaii" was approved to take effect on June 14, same year, and that Act repeals the Hawaiian Copyright Act of June 23, 1888, and provides that the laws of the United States shall be in force. Since June 14, therefore, registrations for copyright protection have been made for works by Hawaiian authors.

15 The Attorney General in the opinion above cited, also stated that PORTO RICO and MANILA not having been at that time formally ceded to the United States, their inhabitants had not become entitled to the rights and privileges of citizens of the United States. Further "when they shall have been directly ceded by treaty to the United States,  
20 and such treaty duly ratified by the Senate, their respective inhabitants will not be entitled to the benefits of the copyright laws unless the treaty, by its terms, confers such right, or Congress shall afterwards extend such laws to the inhabitants of those countries."

The "Act temporarily to provide revenues and a civil government  
25 for Porto Rico, and for other purposes," was approved on April 12, 1900, to go into effect on May 1st of that year. It provides that the laws of the United States shall be in force in Porto Rico. Since May 1st, therefore, registrations for copyright protection of books by Porto Rican authors have been permitted.

30 No action has yet been taken by Congress to secure copyright in the Philippine Islands. But, in response to a question from the Secretary of War, "whether citizens of the Philippine Islands are entitled to avail themselves of the provisions of the copyright, trade-mark, and patent laws of the United States so as to secure the protection thereof  
35 within the States of the Union," the Attorney-General submitted an opinion on July 6, 1904. In relation to copyright the Attorney-General holds that unless citizens of the Philippine Islands "can be properly designated as citizens or subjects 'of a foreign state or nation' they are entitled to avail themselves of the privileges of the  
40 copyright laws of the United States and to receive protection thereunder within the States of the Union."

He further expresses the opinion that within the meaning of the 1  
copyright laws the Philippines are not a foreign state or nation, and  
that inhabitants of the islands may therefore take advantage of our  
copyright laws and claim protection thereunder within the United  
States. Referring to the Attorney-General's opinion of December 2, 5  
1898, cited above, he concludes that the decisions of the Supreme Court  
of the United States announced since 1898 are not in agreement there-  
with and that therefore Filipino authors should be entitled to copyright  
within the United States.

The Attorney-General also decides that under the proviso to the 10  
act of March 3, 1891, requiring "that in the case of a book, photo-  
graph, chromo, or lithograph, the two copies of the same required to  
be delivered or deposited as above shall be printed from type set  
within the limits of the United States, or from plates made therefrom,  
or from negatives, or drawings on stone made within the limits of the 15  
United States, or from transfers made therefrom," books printed from  
type set within the territory of the Philippine Islands did not meet  
this requirement; and that in determining what fees should be charged  
for registration, in the case of the entry of a work by a Filipino author,  
it is necessary to "treat a citizen or resident of the Philippine Islands 20  
as 'a person not a citizen or resident of the United States.'"

#### HAWAII.

#### FIFTY-SIXTH CONGRESS, FIRST SESSION, CHAPTER 339.

AN ACT to provide a government for the Territory of Hawaii.

SEC. 5. That the Constitution, and, except as herein 25  
1900, otherwise provided, all the laws of the United States  
Apr. 30. which are not locally inapplicable, shall have the same  
force and effect within the said Territory as elsewhere in the United  
States: \* \* \*

SEC. 6. That the laws of Hawaii not inconsistent with the Constitu- 30  
tion or laws of the United States or the provisions of this Act shall  
continue in force, subject to repeal or amendment by the legislature  
of Hawaii or the Congress of the United States.

SEC. 7. That the constitution of the Republic of Hawaii and the  
laws of Hawaii, as set forth in the following acts, chapters, and sec- 35  
tions of the civil laws, penal laws, and session laws, and relating to  
the following subjects, are hereby repealed:

CIVIL LAWS: \* \* \* chapter thirty-eight, Copyrights; \* \* \*.

In "The Statutes at Large of the United States of America, from December,  
1899, to March, 1901." Vol. 31, 8vo. Washington, 1901, pp. 141-142.

## HAWAII.

## LAWS, 1888, CHAPTER III.

AN ACT to provide for the registration of copyrights.

5           1888,  
          June 23.   *Be it Enacted by the King and the Legislature of the  
Hawaiian Kingdom:* SEC. 1. That from and after the date  
of the passage of this Act the author of any map, book,  
chart, musical composition, print, cut, engraving, photograph, paint-  
ing, drawing, or statue, or the author of any model or design intended  
to be perfected and completed as a work of the fine arts, or the heirs,  
10 executors or administrators of a deceased author thereof, may procure  
a certificate of copyright therefor in the manner hereinafter provided.

SEC. 2. Before anyone shall receive a certificate of copyright an  
application therefor shall be filed in the Office of the Minister of the  
Interior verified by oath of the applicant that such applicant is the  
15 original and first author of the map, book, chart, musical composition,  
print, cut, engraving, photograph, painting, drawing, statue, model  
or design intended to be perfected and completed as a work of the fine  
arts, upon which a certificate of copyright is applied for, or if such  
application shall be made by the legal representative of a deceased  
20 author such representative shall make oath that he believes that the  
said deceased author was the original and first author of the said map,  
book, chart, musical composition, print, cut, engraving, photograph,  
painting, drawing or statue, or the model or design intended to be  
perfected and completed as a work of the fine arts, and such applicant  
25 shall state of what country he is a citizen. Such application shall be  
accompanied by said oath and by a copy of the said map, book, chart,  
musical composition, print, cut, engraving, photograph, painting,  
drawing or statue, or the model or design intended to be perfected  
and completed as a work of the fine arts, if the same shall have been  
30 published, or if the same shall not have been published, a copy of the  
title thereof. All such copies shall be preserved in the Department of  
the Interior, and all such titles shall be recorded in a book to be kept  
for that purpose in said Department. If the said map, book, chart,  
musical composition, print, cut, engraving, photograph, painting,  
35 drawing or statue, or if the said model or design intended to be per-  
fected and completed as a work of the fine arts shall not have been  
published at the time of filing said application, the person or persons  
making said application shall in order to the validity of the certificate  
of copyright provided in Section 4 of this Act, deliver or cause to be  
40 delivered to the Minister of the Interior a copy of such map, book,  
chart, musical composition, print, cut, engraving, photograph, paint-  
ing, drawing or statue, or of the model or design intended to be per-

fectured and completed as a work of the fine arts, within one month 1  
after the publication thereof in this Kingdom.

SEC. 3. Upon filing such application the applicant shall pay to the  
Minister of the Interior a fee of Five Dollars.

SEC. 4. Upon the filing of such application so accompanied, and the 5  
payment of such fee, the Minister of the Interior shall cause to be  
issued to the applicant a Certificate of Copyright under the seal of the  
Department of the Interior granting to him and to his heirs, executors,  
administrators and assigns the exclusive right to print, reprint, pub-  
lish, use and vend the said map, book, chart, musical composition, 10  
print, cut, engraving, photograph, painting, drawing or statue, or the  
said model or design intended to be perfected and completed as a work  
of the fine arts, throughout the Hawaiian Kingdom for the term of  
twenty years from the date thereof.

SEC. 5. No person shall maintain an action for the infringement of 15  
his copyright unless he shall give notice thereof by inserting in each  
copy of his map, book, chart, musical composition, print, cut, engrav-  
ing, photograph, painting, drawing or statue, or in his model or  
design intended to be perfected and completed as a work of the fine  
arts, on the title page or on the page immediately following it, if it be a 20  
book, or if a map, chart, musical composition, print, cut, engraving,  
photograph, painting, drawing, or statue, or model or design intended  
to be perfected and completed as a work of the fine arts, by inscribing  
upon some visible portion thereof or of the substance on which the  
same shall be mounted the words "*Hawaiian Copyright*" and the 25  
name of the person to whom the Certificate of Copyright was issued  
and its date thus: "*Hawaiian Copyright by A. B., June 10, 1888.*"

SEC. 6. In the construction of this Act the words "print", "cut",  
and "engraving" shall be applied only to pictorial illustrations or  
works connected with the fine arts, and no prints or labels designed 30  
to be used for any other articles of manufacture shall be certified  
under the copyright law.

SEC. 7. An Act entitled "An Act to encourage learning in this  
Kingdom by securing the copies of charts, maps and books to the  
authors and proprietors of such copies" approved the 31st day of 35  
December, 1864, and all other laws and parts of laws in conflict with  
the provisions of this Act are hereby repealed.

SEC. 8. This Act shall take effect from and after the date of its  
approval.

Approved this twenty-third day of June, A. D. 1888.

40

KALAKAUA REX.

By the King:

L. A. THRUSTON,

*Minister of the Interior.*

1 in "Laws of His Majesty Kalakaua I. King of the Hawaiian Islands, passed by the Legislative Assembly at its session 1838." 8vo. Honolulu, Gazette Pub. Co., 1838, pp. 4-7.

Also in "The Civil Laws of the Hawaiian Islands, compiled [by Sidney Miller Ballou]" Chapter 38, sections, 496-501, 8vo. Honolulu, 1897, pp. 218-220.

# PORTO RICO.

## FIFTY-SIXTH CONGRESS, FIRST SESSION, CHAPTER 191.

AN ACT temporarily to provide revenues and a civil government for Porto Rico, and for other purposes.

10 SEC. 8. That the laws and ordinances of Porto Rico now  
1900, in force shall continue in full force and effect, except as  
April 12. altered, amended, or modified hereinafter, or as altered or  
modified by military orders and decrees in force when this Act shall  
15 take effect, and so far as the same are not inconsistent or in conflict  
with the statutory laws of the United States not locally inapplicable, or  
the provisions hereof, until altered, amended, or repealed by the legis-  
lative authority hereinafter provided for Porto Rico or by Act of Con-  
gress of the United States: \* \* \*

20 In "The Statutes at Large of the United States of America, from December, 1899, to March, 1901." Vol. 31, 8vo. Washington, 1901, pp. 77, 79.

## COPYRIGHTS—CUBA, PUERTO RICO, THE PHILIPPINE ISLANDS.

The inhabitants of Hawaii, in the absence of affirmative legislation by Congress to  
25 that effect, are not entitled to the benefits of the United States copyright laws.

When Cuba, Puerto Rico, and the Philippine Islands have been duly ceded to the United States their respective inhabitants will not be entitled to the benefits of the copyright laws unless the treaty by its terms confers such right or Congress shall extend such laws to the inhabitants of those countries.

30 Hostilities between nations suspend intercourse and deprive citizens of the hostile nations of rights of an international character previously enjoyed.

So long as a state of war exists between Spain and the United States Spanish subjects have no right to the privilege of copyright conferred upon Spanish citizens by proclamation prior to the declaration of war.

35 DEPARTMENT OF JUSTICE,  
*December 2, 1898.*

SIR: I have the honor to acknowledge the receipt of your communication of November 28, inclosing one from the Librarian of Congress, who desires to know whether the inhabitants of Hawaii, Cuba, Puerto  
40 Rico, and Manila are entitled to register publications for copyright, and if so, whether as foreigners or as citizens or subjects of the United States.

In answer, I have the honor to advise you as follows:

It appears that the subjects of Hawaii had not, prior to the passage  
45 of the resolution of annexation of July 7, 1898, become vested by proclamation with the privilege of copyright in the United States. I



have heretofore held, in an opinion, a copy of which is inclosed herewith, that certain laws of the United States relative to tonnage dues upon vessels from foreign ports still applied to the ports of Hawaii, and had not been abrogated by the terms or effect of the resolution of annexation. For the reasons given in that opinion, I think that the inhabitants of Hawaii are not at present, in the absence of affirmative legislation by Congress to that effect, entitled to the benefits of our copyright laws.

Puerto Rico, Cuba, and Manila have not, as yet, been formally ceded to the United States. So far as they are subject to the control and government of this country, they are ruled under the principle of belligerent right. They have not become entitled to the rights and privileges of citizens of the United States. In my opinion, when they shall have been directly ceded by treaty to the United States, and such treaty duly ratified by the Senate, their respective inhabitants will not be entitled to the benefit of the copyright laws unless the treaty by its terms confers such right, or Congress shall afterwards extend such laws to the inhabitants of those countries.

If any inhabitants of Puerto Rico, Cuba, or the Philippine Islands claim the privilege of copyright as Spanish subjects, that right at present is subject to the well-known rule that hostilities between two nations suspend intercourse and deprive citizens of the hostile nations of rights of an international character previously enjoyed. I am of opinion that so long as a state of war exists between Spain and the United States Spanish subjects have no right to the privileges of copyright conferred upon Spanish citizens by proclamation prior to the declaration of war.

When a treaty of peace shall have been finally concluded their rights will be determined either by the provisions of the treaty, or, if the treaty be silent, it will be competent for the United States, through its executive officers, to resume the exercise of such rights and privileges as previously existed and have not been definitely declared terminated. So that if the treaty of peace be silent with reference to copyright, it would, in my opinion, be entirely proper for the Librarian of Congress to admit Spanish subjects after the conclusion and ratification of the treaty to the same copyright privileges that they enjoyed prior to the declaration of war.

Very respectfully,

JOHN W. GRIGGS.

The PRESIDENT.

40

In "Official Opinions of the Attorneys-General of the United States. Edited by E. C. Brandenburg." Vol. XXII, 8vo. Washington, Government Printing Office, 1900, pp. 268-270.

## 1 PHILIPPINE ISLANDS—COPYRIGHT AND TRADE-MARK LAWS.

The Philippine Islands are not "a foreign state or nation" within the meaning of the copyright laws, and the inhabitants of those islands are entitled to avail themselves of the benefits of those laws within the United States. Opinion of December 2, 1898 (22 Opin., 268), overruled.

5 The proviso contained in section 4956, Revised Statutes, that the two copies of books, photographs, chromos, or lithographs required to be deposited with the Librarian of Congress shall be printed from type set within the limits of the United States, is not complied with by depositing with that officer copies of publications printed  
10 from type set within the Philippine Islands. Opinion of July 28, 1903 (25 Opin., 25), adhered to.

The Librarian of Congress in determining what fees should be charged under section 4958, Revised Statutes, for the recording, etc., of copyrights, should treat a citizen or resident of the Philippine Islands as "a person not a citizen or resident of the  
15 United States." \* \* \*

## DEPARTMENT OF JUSTICE,

*July 6, 1904.*

SIR: I have the honor to reply to your communication of June 18, wherein you refer to the opinions of this Department dated December  
20 2, 1898 (22 Opin., 268), February 19, 1902 (23 Opin., 634), and July 28, 1903 (25 Opin., 25), and request an expression of my views as to whether citizens of the Philippine Islands are entitled to avail themselves of the provisions of the copyright, trade-mark, and patent laws of the United States so as to secure the protection thereof within  
25 the States of the Union.

## THE COPYRIGHT LAWS.

The statutory law of the United States upon the subject of copyright was materially changed by the act of March 3, 1891 (26 Stat., 1106), which in express terms amends sundry sections of the Revised Statutes  
30 and contains other provisions of a general nature. So much of the law as it now exists, pertinent to the present inquiry and necessary to quote, follows:

SECTION 4952 (as amended). "The author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition,  
35 engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing,  
40 reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of dramatic composition, of publicly performing or representing it or causing it to be performed or represented by others; and authors or their assigns shall have the exclusive right to dramatize and translate any of their works for which copy-  
45 right shall have been obtained under the laws of the United States."

SECTION 4956 (as amended). "No person shall be entitled to copy- 1  
right unless he shall \* \* \* deliver at the office of the Librarian  
of Congress \* \* \* a printed copy of the title, \* \* \* nor  
unless he shall also \* \* \* deliver at the office of the Librarian  
\* \* \* two copies of such copyright book, map, chart, dramatic, or 5  
musical composition \* \* \*: *Provided*, That in the case of a book,  
photograph, chromo, or lithograph, the two copies of the same required  
to be delivered or deposited as above shall be *printed from type set*  
*within the limits of the United States*, or from plates made therefrom,  
or from negatives, or drawings on stone made within the *limits* of the 10  
*United States*, or from transfers made therefrom \* \* \*."

SECTION 4958 (as amended). "The Librarian of Congress shall  
receive from the persons to whom the services designated are rendered  
the following fees:

\* \* \* \* \*

"All fees so received shall be paid into the Treasury of the United 15  
States: *Provided*, That the charge for recording the title or description  
of any article entered for copyright the production of a person not  
a citizen or resident of the United States shall be one dollar \* \* \*."

SECTION 13, act March 3, 1891. "That this act shall only apply to a  
citizen or subject of a *foreign state or nation* when such foreign state 20  
or nation permits to citizens of the United States of America the bene-  
fit of copyright on substantially the same basis as its own citizens; or  
when such foreign state or nation is a party to an international agree-  
ment which provides for reciprocity in the granting of copyright, by  
the terms of which agreement the United States of America may, at 25  
its pleasure, become a party to such agreement \* \* \*." (26 Stat.,  
1110.)

It is manifest from the foregoing quotations that the statutes govern-  
ing copyright apply to all persons irrespective of nationality, except  
citizens or subjects "of a foreign state or nation" which does not 30  
grant to our citizens the benefits of its copyright law. Unless, there-  
fore, citizens of the Philippine Islands can be properly designated as  
citizens or subjects "of a foreign state or nation" they are entitled to  
avail themselves of the privileges of the copyright laws of the United  
States and to receive protection thereunder within the States of the 35  
Union.

I am of opinion that within the meaning of the copyright laws the  
Philippines are not a foreign state or nation. The opinions of the  
Supreme Court, announced since they were acquired by the United  
States, clearly establish that upon their cession they ceased to be a 40  
foreign country. (*De Lina v. Bidwell*, 182 U. S., 1; *Gonzales v. Wil-*  
*liams*, 192 U. S., 1.) It follows that the inhabitants of the islands may  
take advantage of our copyright laws and claim protection thereunder  
within the States.

1 My predecessor, on December 2, 1898 (22 Opin., 268), before the  
 ratification of the treaty of peace with Spain under which dominion  
 over the Philippines was acquired, replying to a request from the  
 President, advised that the inhabitants of Manila were not then  
 5 entitled to register publications for copyright under the laws of the  
 United States. In the course of his opinion, referring to Porto Rico,  
 Cuba, and Manila, he said that they had not as yet been formally  
 ceded, and, "in my opinion, when they shall have been directly ceded  
 by treaty to the United States, and such treaty duly ratified by the  
 10 Senate, their respective inhabitants will not be entitled to the benefit  
 of the copyright laws unless the treaty by its terms confers such right  
 or Congress shall afterwards extend such laws to the inhabitants of  
 those countries."

If the opinion of my predecessor can be properly construed as deny-  
 15 ing to the inhabitants of the Philippine Islands, after their cession to  
 the United States, the right to take advantage of our copyright laws  
 and to receive the protection thereof *within* the United States, the  
 decisions of the Supreme Court announced since 1898 are in conflict  
 therewith, and in view of the same such denial can no longer be  
 20 accepted as a correct exposition of the law.

The proviso contained in section 4956 of the Revised Statutes, as  
 amended and above quoted, provides that the copies of any book, pho-  
 tograph, chromo, or lithograph required to be delivered or deposited  
 with the Librarian of Congress shall be printed from type set within  
 25 the United States, or from plates made therefrom, or from negatives,  
 or drawings from [*sic* on] stone made within the limits of the United  
 States, or from transfers made therefrom. In the opinion of Mr.  
 Acting Attorney-General Hoyt, dated July 28, 1903 (25 Opin., 25), he  
 construed this proviso and held that books printed from type set within  
 30 the territory of the Philippine Islands did not meet its requirements.  
 I see no objection to that opinion, and accordingly adhere to the same.

The Librarian of Congress, in determining what fees should be  
 charged under section 4958, Revised Statutes, as amended, should treat  
 a citizen or resident of the Philippine Islands as "a person not a citi-  
 35 zen or resident of the United States."

#### THE TRADE-MARK LAWS.

\* \* \* \* \*

#### THE PATENT LAWS.

\* \* \* \* \*

Respectfully,

W. H. MOODY.

40 The SECRETARY OF WAR.

In "Official Opinions of the Attorneys-General of the United States," Advance  
 sheets. Vol. 25, 8vo. Washington, Government Printing Office, 1903[-1906],  
 pp. 179-183.

CANAL ZONE.

EXECUTIVE ORDER.

By authority of the President, it is ordered: That the  
1907, patent, trade-mark, and copyright laws of the United  
March 12. States of America are hereby extended to and made effective within the Canal Zone, to the extent that any patent or copyright issued under the laws of the United States, or any trade-mark duly registered in the Patent Office of the United States, shall vest in the person to whom issued or in whose name registered, his assigns and licensees, subject to the protection of the Circuit and Supreme Courts of the Canal Zone, the same exclusive right of property therein that such person would possess in the United States.

Effective April 15, 1907.

WM. H. TAFT,  
*Secretary of War.*

WAR DEPARTMENT,

*Washington, D. C., March 12, 1907.*

The Isthmian Canal Commission, Joseph Bucklin Bishop Secretary.  
Circular No. 30, March 15, 1907.

## DATES OF REPEAL OF THE FEDERAL COPYRIGHT LAWS.

ACT OF MAY 31, 1790. Repealed by Act of February 3, 1831, Sec. 14.

ACT OF APRIL 29, 1802. Repealed by Act of February 3, 1831, Sec. 14.

ACT OF FEBRUARY 15, 1819. Repealed by Act of July 8, 1870, Sec. 111.

ACT OF FEBRUARY 3, 1831. Repealed by Act of July 8, 1870, Sec. 111.

ACT OF JUNE 30, 1834. Repealed by Act of July 8, 1870, Sec. 111.

ACT OF AUGUST 18, 1856. Repealed by Act of July 8, 1870, Sec. 111.

ACT OF FEBRUARY 5, 1859. Repealed by Act of July 8, 1870, Sec. 111.

ACT OF FEBRUARY 18, 1861. Repealed by Act of July 8, 1870, Sec. 111.

ACT OF MARCH 3, 1865. Repealed by Act of July 8, 1870, Sec. 111.

ACT OF FEBRUARY 18, 1867. Repealed by Act of July 8, 1870, Sec. 111.

ACT OF JULY 8, 1870, was incorporated into the Revised Statutes as Title 60, Chapter 3 (Copyrights), and was included in the general repealing clause of the Revised Statutes, Act of June 22, 1874.

The repealing clause of the Act of June 22, 1874—"An Act to revise and consolidate the statutes of the United States, in force on the first day of December, anno Domini one thousand eight hundred and seventy-three"—provided as follows:

"SEC. 5596. All acts of Congress passed prior to said first day of December one thousand eight hundred and seventy-three, any portion of which is embraced in any section of said revision, are hereby repealed, and the section applicable thereto shall be in force in lieu thereof; all parts of such acts not contained in such revision, having been repealed or superseded by subsequent acts, or not being general and permanent in their nature: *Provided*, That the incorporation into said revision of any general permanent provision, taken from an act making appropriations, or from an act containing other provisions of a private, local or temporary character, shall not repeal, or in any way affect any appropriation, or any provision of a private, local or temporary character, contained in any of said acts, but the same shall remain in force; and all acts of Congress passed prior to said last-named day no part of which are embraced in said revision, shall not be affected or changed by its enactment." (Revised Statutes, 2d edition, 1878, p. 1085.)

# VII.

## INTERNATIONAL COPYRIGHT RELATIONS.

1

(a) PROCLAMATIONS ISSUED BY THE PRESIDENT, EXTENDING COPYRIGHT TO CITIZENS OF CERTAIN FOREIGN COUNTRIES: 1891-1905.

BELGIUM, FRANCE, GREAT BRITAIN AND HER POSSESSIONS, AND SWITZERLAND.

5

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or a subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as [to] its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement:"

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require:"

And whereas satisfactory official assurances have been given that in Belgium, France, Great Britain and the British possessions, and Switzerland, the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the citizens of those countries:

Now, therefore, I, Benjamin Harrison, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, is now fulfilled in respect to the citizens or subjects of Belgium, France, Great Britain, and Switzerland.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this first day of July, one thousand eight hundred and ninety-one, and of the independence of the United States the one hundred and fifteenth.

BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON,

*Acting Secretary of State.*

40

In "The Statutes at Large of the United States of America, from December, 1891, to March, 1893." Vol. 27, 8vo. Washington, 1893, pp. 981-982.

1

## GERMANY.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as [to] its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement";

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require";

And whereas, in virtue of said section 13 of the aforesaid act of Congress, a copyright agreement was signed at Washington, on January 15, 1892, in the English and German languages, by the representatives of the United States of America and the German Empire, a true copy of the English version of which agreement is word for word as follows:

The President of the United States of America, and His Majesty the German Emperor, King of Prussia, in the name of the German Empire, being actuated by the desire to extend to their subjects and citizens the full benefit of the legal provisions in force in both countries in regard to copyright, have, to this end, decided to conclude an agreement, and have appointed as their plenipotentiaries:

The President of the United States of America, James G. Blaine, Secretary of State of the United States;

His Majesty the German Emperor, King of Prussia, Alfons Mumm von Schwarzenstein, his chargé d'affaires near the Government of the United States of America, who, being duly authorized, have concluded the following agreement, subject to due ratification:

## ARTICLE I.

Citizens of the United States of America shall enjoy, in the German Empire, the protection of copyright as regards works of literature and art, as well as photographs, against illegal reproduction, on the same basis on which such protection is granted to subjects of the Empire.



## ARTICLE II.

1

The United States Government engages, in return, that the President of the United States shall, in pursuance of section 13 of the act of Congress of March 3, 1891, issue the proclamation therein provided for in regard to the extension of the provisions of that act to German subjects as soon as the Secretary of State shall have been officially notified that the present agreement has received the necessary legislative sanction in the German Empire. 5

## ARTICLE III.

This agreement shall be ratified, and the ratifications shall be exchanged at Washington as soon as possible. 10

The agreement shall go into operation at the expiration of three weeks from the date of the exchange of its ratifications, and shall be applicable only to works not published at the time when it shall have gone into operation. It shall remain in force until the expiration of three months from the day on which notice of a desire for the cessation of its effects shall have been given by one of the contracting parties. 15

Done in duplicate, in the English and German languages, at the city of Washington, this 15th day of January, 1892.

JAMES G. BLAINE. [SEAL.] 20  
A. v. MUMM. [SEAL.]

And whereas the official notification contemplated by Article II of the said agreement has been received by this Government;

Now, therefore, I, Benjamin Harrison, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, is now fulfilled in respect to the subjects of the German Empire. 25

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, the fifteenth day of April, 30  
[SEAL.] one thousand eight hundred and ninety-two, and of the Independence of the United States the one hundred and sixteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE,

*Secretary of State.*

35

In "The Statutes at Large of the United States of America, from December, 1891, to March, 1893." Vol. 27, 8vo. Washington, 1893, pp. 1021-1022.

ITALY.

40

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply 45  
1892,  
October 31.

1 to a citizen or subject of a foreign state or nation when such foreign  
state or nation permits to citizens of the United States of America the  
benefit of copyright on substantially the same basis as [to] its own citi-  
zens; or when such foreign state or nation is a party to an inter-  
national agreement which provides for reciprocity in the granting of  
5 copyright, by the terms of which agreement the United States of  
America may, at its pleasure, become a party to such agreement:”

And whereas it is also provided by said section that “the existence  
of either of the conditions aforesaid shall be determined by the Presi-  
dent of the United States by proclamation made from time to time as  
10 the purposes of this act may require:”

And whereas satisfactory official assurances have been given that in  
Italy the law permits to citizens of the United States the benefit of  
copyright on substantially the same basis as the subjects of Italy:

Now, therefore, I, Benjamin Harrison, President of the United  
15 States of America, do declare and proclaim that the first of the condi-  
tions specified in section 13 of the act of March 3, 1891, now exists  
and is fulfilled in respect to the subjects of Italy.

In testimony whereof, I have hereunto set my hand and caused the  
seal of the United States to be affixed.

20 Done at the city of Washington this thirty-first day of  
October, one thousand eight hundred and ninety-two, and  
[SEAL.] of the Independence of the United States the one hundred  
and seventeenth.

BENJ. HARRISON.

25 By the President:

JOHN W. FOSTER,

*Secretary of State.*

In “The Statutes at Large of the United States of America, from December,  
1891, to March, 1893.” Vol. 27, 8vo. Washington, 1893, p. 1043.

30 DENMARK.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Con-  
gress of March 3, 1891, entitled “An act to amend title  
1893, May 8. sixty, chapter three, of the Revised Statutes of the  
35 United States, relating to copyrights,” that said act “shall only apply  
to a citizen or subject of a foreign state or nation when such foreign  
state or nation permits to citizens of the United States of America the  
benefit of copyright on substantially the same basis as [to] its own citi-  
40 zens; or when such foreign state or nation is a party to an international  
agreement which provides for reciprocity in the granting of copyright,

by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement:”

And whereas it is also provided by said section that “the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require;”

And whereas satisfactory official assurances have been given that in Denmark the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the subjects of Denmark:

Now, therefore, I, Grover Cleveland, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the subjects of Denmark.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this eighth day of May,  
[SEAL.] one thousand eight hundred and ninety-three, and of the independence of the United States the one hundred and seventeenth.

GROVER CLEVELAND.

By the President:

W. Q. GRESHAM,  
*Secretary of State.*

In “The Statutes at Large of the United States of America, from August, 1893, to March, 1895.” Vol. 28, 8vo. Washington, 1895, p. 1219.

#### PORTUGAL.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

Whereas it is provided by section 13 of the Act of Congress of March 3, 1891, entitled “An act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights”, that said act “shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as [to] its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement”;

And whereas it is also provided by said section that “the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require”;

1893,  
July 20.

1 And whereas satisfactory official assurances have been given that in Portugal the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the subjects of Portugal:

5 Now, therefore, I, Grover Cleveland, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the subjects of Portugal.

In testimony whereof, I have hereunto set my hand and caused the 10 seal of the United States to be affixed.

Done at the city of Washington, this twentieth day of July, in the year of Our Lord one thousand eight hundred and ninety-three, and of the independence of the United States the one hundred and eighteenth.

15 GROVER CLEVELAND.

By the President:

W. Q. GRESHAM,  
*Secretary of State.*

20 In "The Statutes at Large of the United States of America, from August, 1893, to March, 1895." Vol. 28, 8vo. Washington, 1895, p. 1222.

#### SPAIN.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

25 1895,  
July 10. Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit 30 of copyright on substantially the same basis as [to] its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement:"

35 And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require:"

And whereas satisfactory official assurances have been given that in 40 Spain and her provinces and colonial possessions the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the subjects of Spain:

Now, therefore, I, Grover Cleveland, President of the United States of America, do declare and proclaim that the first of the conditions

specified in section 13 of the act of March 3, 1891, now exists and is 1 fulfilled in respect to the subjects of Spain.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this tenth day of July, 5  
[SEAL.] one thousand eight hundred and ninety-five, and of the independence of the United States the one hundred and twentieth.

GROVER CLEVELAND.

By the President:

ALVEY A. ADEE,

*Acting Secretary of State.*

In "The Statutes at Large of the United States of America, from December, 1895, to March, 1897." Vol. 29, 8vo. Washington, 1897, p. 871.

# MEXICO.

15

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

Whereas it is provided by section 13 of the act of Con-  
1896, gress of March 3, 1891, entitled "An act to amend title  
February 27. sixty, chapter three, of the Revised Statutes of the United 20  
States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as [to] its own citizens; or when such foreign state or nation is a party to an inter-25  
national agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement;"

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the Presi-30  
dent of the United States by proclamation made from time to time as the purposes of this act may require;"

And whereas satisfactory official assurances have been given that in the United States of Mexico the law permits to citizens of the United States of America the benefit of copyright on substantially the same 35  
basis as to the citizens of that Republic:

Now, therefore, I, Grover Cleveland, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the citizens of the United States of Mexico. 40

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

1 Done at the city of Washington this twenty-seventh day  
 [SEAL.] of February, one thousand eight hundred and ninety-six,  
 and of the independence of the United States the one hun-  
 dred and twentieth.

GROVER CLEVELAND.

5 By the President:

RICHARD OLNEY,  
*Secretary of State.*

In "The Statutes at Large of the United States of America, from December,  
 1895, to March, 1897." Vol. 29, 8vo. Washington, 1897, p. 877.

10 CHILE.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Con-  
 1896, gress of March 3, 1891, entitled "An act to amend title  
 15 May 25. sixty, chapter three, of the Revised Statutes of the United  
 States, relating to copyrights," that said act "shall only apply to a  
 citizen or subject of a foreign state or nation when such foreign  
 state or nation permits to citizens of the United States of America the  
 benefit of copyright on substantially the same basis as [to] its own citi-  
 20 zens; or when such foreign state or nation is a party to an interna-  
 tional agreement which provides for reciprocity in the granting of  
 copyright, by the terms of which agreement the United States of  
 America may, at its pleasure, become a party to such agreement;"

And whereas it is also provided by said section that "the existence  
 25 of either of the conditions aforesaid shall be determined by the Presi-  
 dent of the United States by proclamation made from time to time as  
 the purposes of this act may require;"

And whereas satisfactory official assurances have been given that in  
 the Republic of Chile the law permits to citizens of the United States  
 30 of America the benefit of copyright on substantially the same basis as  
 to the citizens of that Republic:

Now, therefore, I, Grover Cleveland, President of the United States  
 of America, do declare and proclaim that the first of the conditions  
 specified in section 13 of the act of March 3, 1891, now exists and is  
 35 fulfilled in respect to the citizens of the Republic of Chile.

In testimony whereof, I have hereunto set my hand and caused the  
 seal of the United States to be affixed.

40 [SEAL.] Done at the city of Washington this twenty-fifth day of  
 May, one thousand eight hundred and ninety-six, and of  
 the independence of the United States the one hundred and  
 twentieth.

GROVER CLEVELAND.

By the President:

RICHARD OLNEY,  
*Secretary of State.*

45 In "The Statutes at Large of the United States of America, from December,  
 1895, to March, 1897." Vol. 29, 8vo. Washington, 1897, p. 880.

## COSTA RICA.

1

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as [to] its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement;"

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require;"

And whereas satisfactory official assurances have been given that in the Republic of Costa Rica the law permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to the citizens of that Republic:

Now, therefore, I, William McKinley, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the citizens of the Republic of Costa Rica.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this nineteenth day of October, one thousand eight hundred and ninety-nine, and of the independence of the United States the one hundred and twenty-fourth.

WILLIAM MCKINLEY.

By the President:

JOHN HAY,

*Secretary of State.*

35

In "The Statutes at Large of the United States of America, from December, 1853, to March, 1901." Vol. 31, 8vo. Washington, 1901, pp. 1955-1956.

31408°—06—7

## 1 NETHERLANDS (HOLLAND) AND POSSESSIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

Whereas it is provided by section 13 of the act of  
5 1899, Congress of March 3, 1891, entitled "An act to amend  
November 20. title sixty, chapter three, of the Revised Statutes of the  
United States, relating to copyrights," that said act "shall only apply  
to a citizen or subject of a foreign state or nation when such foreign  
state or nation permits to citizens of the United States of America the  
10 benefit of copyright on substantially the same basis as [to] its own citi-  
zens; or when such foreign state or nation is a party to an international  
agreement which provides for reciprocity in the granting of copyright,  
by the terms of which agreement the United States of America may,  
at its pleasure, become a party to such agreement;" and  
15 Whereas, it is also provided by said section that "the existence of  
either of the conditions aforesaid shall be determined by the President  
of the United States by proclamation made from time to time, as the  
purposes of this act may require;" and

Whereas satisfactory official assurances have been given that in the  
20 Kingdom of the Netherlands and in the Netherlands' possessions the  
law permits to citizens of the United States of America the benefit of  
copyright on substantially the same basis as to subjects of the Nether-  
lands:

Now, therefore, I, William McKinley, President of the United States  
25 of America, do declare and proclaim that the first of the conditions  
specified in section 13 of the act of March 3, 1891, now exists and is  
fulfilled in respect to the subjects of the Netherlands.

In testimony whereof I have hereunto set my hand and caused the  
seal of the United States to be affixed.

30 Done at the city of Washington, this twentieth day of  
November, one thousand eight hundred and ninety-nine,  
[SEAL.] and of the independence of the United States the one hun-  
dred and twenty-fourth.

WILLIAM MCKINLEY.

35 By the President:

JOHN HAY,

*Secretary of State.*

In "The Statutes at Large of the United States of America, from December,  
1899, to March, 1901." Vol. 31, 8vo. Washington, 1901, p. 1961.



## CUBA.

1

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION

Whereas, it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as [to] its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement;"

And Whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require;"

And Whereas satisfactory official assurances have been given that in Cuba the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the citizens of Cuba:

Now, Therefore, I, Theodore Roosevelt, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the citizens of Cuba.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 17th day of November, one thousand nine hundred and three and of the independence of the United States the one hundred and twenty-eighth.

THEODORE ROOSEVELT.

By the President:

JOHN HAY,

*Secretary of State.*

35

In "The Statutes at Large of the United States of America, from November, 1903, to March, 1905." Vol. 33, part 2, 8vo. Washington, 1905, p. 2324.

1

## NORWAY.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

5       1905,  
      July 1.       Whereas, it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit  
10 of copyright on substantially the same basis as [to] its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement:"

15   And whereas, it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require:"

      And whereas satisfactory official assurances have been given that in  
20 Norway the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the citizens of that country:

      Now, therefore, I, Theodore Roosevelt, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, is now fulfilled  
25 in respect to the subjects of Norway.

      In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

      Done at the City of Washington, this first day of July,  
30   [SEAL.]   in the year of our Lord one thousand nine hundred and five and of the Independence of the United States of America the one hundred and twenty-ninth.

By the President:

THEODORE ROOSEVELT.

HERBERT H. D. PEIRCE,

35                   *Acting Secretary of State.*

(b) TREATIES WITH CERTAIN FOREIGN COUNTRIES RELATING TO  
COPYRIGHT, 1899-1906.

## SPAIN.

      The war with Spain suspended the privilege of copyright in the  
40 United States for the productions of Spanish subjects. Concerning the renewal of the privilege, the Attorney General expressed the following opinion, under date of December 2, 1898: "When a treaty of

peace shall have been finally concluded, their rights will be determined 1  
 either by the provisions of the treaty or, if the treaty be silent, it will  
 be competent for the United States, through its executive officers, to  
 resume the exercise of such rights and privileges as previously existed  
 and have not been definitely declared terminated. So that if the treaty 5  
 be silent with reference to copyright, it would, in my opinion, be  
 entirely proper for the Librarian of Congress to admit Spanish sub-  
 jects, after the conclusion and ratification of the treaty, to the same  
 copyright privileges that they enjoyed prior to the declaration of war."

## TREATY OF PEACE WITH SPAIN, APRIL 11, 1899.

10

[Signed at Paris, December 10, 1898. Ratification advised by the Senate, February 6,  
 1899. Ratified by the President, February 6, 1899. Ratified by Her Majesty the Queen  
 Regent of Spain, March 19, 1899. Ratifications exchanged at Washington, April 11,  
 1899. Proclaimed, Washington, April 11, 1899.]

## BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

15

## A PROCLAMATION.

Whereas, a Treaty of Peace between the United States of America  
 and Her Majesty the Queen Regent of Spain, in the name of her  
 August Son, Don Alfonso XIII, was concluded and signed by their  
 respective plenipotentiaries at Paris on the tenth day of December, 20  
 1898, the original of which Convention being in the English and Span-  
 ish languages, is word for word as follows:

[Here follow the names of the respective plenipotentiaries.]

Who, having assembled in Paris, and having exchanged their full  
 powers, which were found to be in due and proper form, have, after 25  
 discussion of the matters before them, agreed upon the following  
 articles:

\* \* \* \* \*

## ARTICLE XIII.

The rights of property secured by copyrights and patents acquired  
 by Spaniards in the Island of Cuba, and in Porto Rico, the Philippines 30  
 and other ceded territories, at the time of the exchange of the ratifica-  
 tions of this treaty, shall continue to be respected. Spanish scientific,  
 literary and artistic works, not subversive of public order in the terri-  
 tories in question, shall continue to be admitted free of duty into such  
 territories, for the period of ten years, to be reckoned from the date 35  
 of the exchange of the ratifications of this treaty.

\* \* \* \* \*

In faith whereof, we, the respective Plenipotentiaries, have signed  
 this treaty and have hereunto affixed our seals.

1 Done in duplicate at Paris, the tenth day of December, in the year of Our Lord one thousand eight hundred and ninety eight.

[SEAL] WILLIAM R. DAY [SEAL] EUGENIO MONTERO RÍOS

[SEAL] CUSHMAN K. DAVIS [SEAL] B. DE ABARZUZA

5 [SEAL] WM. P. FRYE [SEAL] J. DE GARNICA

[SEAL] GEO. GRAY [SEAL] W R DE VILLA URRUTIA

[SEAL] WHITELAW REID [SEAL] RAFAEL CERERO

And whereas, the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged  
10 in the City of Washington, on the eleventh day of April, one thousand eight hundred and ninety-nine;

Now, therefore, be it known that I, William McKinley, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause  
15 thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this eleventh day of April, in the  
20 year of Our Lord one thousand eight hundred and ninety-nine, and of the Independence of the United States the one hundred and twenty-third.

[SEAL.]

WILLIAM MCKINLEY

By the President:

25 JOHN HAY,

*Secretary of State.*

In "The Statutes at Large of the United States of America, from March, 1897, to March, 1899." Vol. 30, 8vo. Washington, 1899, pp. 1754, 1760-1761, 1762.

#### CHINA.

30 TREATY BETWEEN THE UNITED STATES AND CHINA FOR THE EXTENSION OF COMMERCIAL RELATIONS BETWEEN THEM, JANUARY 13, 1904.

[Signed at Shanghai, October 8, 1903. Ratification advised by the Senate, December 18'  
1903. Ratified by the President, January 12, 1904. Ratified by China, January 10,  
35 1904. Ratifications exchanged at Washington, January 13, 1904. Proclaimed, January 13, 1904.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

Whereas a Treaty and three Annexes between the United States of  
40 America and China to extend further the commercial relations between them and otherwise to promote the interests of the peoples of the two countries, were concluded and signed at Shanghai in the English and Chinese languages, on the eighth day of October, one thousand nine



hundred and three, the original of the English text of which Treaty 1  
and Annexes is word for word as follows:

The United States of America and His Majesty the Emperor of  
China, being animated by an earnest desire to extend further the com- 5  
mercial relations between them and otherwise to promote the interests  
of the peoples of the two countries, in view of the provisions of the  
first paragraph of Article XI of the final Protocol signed at Peking on  
the seventh day of September, A. D. 1901, whereby the Chinese  
Government agreed to negotiate the amendments deemed necessary  
by the foreign Governments to the treaties of commerce and navi- 10  
gation and other subjects concerning commercial relations, with the  
object of facilitating them, have for that purpose named as their  
Plenipotentiaries:—

[Here follow the names of the respective plenipotentiaries.]

Who, having met and duly exchanged their full powers which were 15  
found to be in proper form, have agreed upon the following amend-  
ments to existing treaties of commerce and navigation formerly con-  
cluded between the two countries, and upon the subjects hereinafter  
expressed connected with commercial relations, with the object of  
facilitating them. 20

\* \* \* \* \*

#### ARTICLES RELATING TO TRADE-MARKS, PATENTS, AND COPYRIGHT.

##### ARTICLE IX.—TRADE-MARKS.

Whereas the United States undertakes to protect the citizens of any  
country in the exclusive use within the United States of any lawful  
trade-marks, provided that such country agrees by treaty or convention 25  
to give like protection to the citizens of the United States:—

Therefore the Government of China, in order to secure such pro-  
tection in the United States for its subjects, now agrees to fully protect  
any citizen, firm or corporation of the United States in the exclusive  
use in the Empire of China of any lawful trade-mark to the exclusive 30  
use of which in the United States they are entitled, or which they  
have adopted and used, or intend to adopt and use as soon as registered,  
for exclusive use within the Empire of China. To this end the Chinese  
Government agrees to issue by its proper authorities proclamations,  
having the force of law, forbidding all subjects of China from infring- 35  
ing on, imitating, colorably imitating, or knowingly passing off an  
imitation of trade-marks belonging to citizens of the United States,  
which shall have been registered by the proper authorities of the  
United States at such offices as the Chinese Government will establish  
for such purpose, on payment of a reasonable fee, after due investiga- 40  
tion by the Chinese authorities, and in compliance with reasonable  
regulations.

##### ARTICLE X.—PATENTS.

The United States Government allows subjects of China to patent  
their inventions in the United States and protects them in the use and 45

1 ownership of such patents. The Government of China now agrees that it will establish a Patent Office. After this office has been established and special laws with regard to inventions have been adopted it will thereupon, after the payment of the prescribed fees, issue certificates  
 5 of protection, valid for a fixed term of years, to citizens of the United States on all their patents issued by the United States, in respect of articles the sale of which is lawful in China, which do not infringe on previous inventions of Chinese subjects, in the same manner as patents are to be issued to subjects of China.

# 10 ARTICLE XI.—COPYRIGHT.

Whereas the Government of the United States undertakes to give the benefits of its copyright laws to the citizens of any foreign State which gives to the citizens of the United States the benefits of copyright on an equal basis with its own citizens:—

15 Therefore the Government of China, in order to secure such benefits in the United States for its subjects, now agrees to give full protection, in the same way and manner and subject to the same conditions upon which it agrees to protect trade-marks, to all citizens of the United States who are authors, designers or proprietors of any book, map,  
 20 print or engraving especially prepared for the use and education of the Chinese people, or translation into Chinese of any book, in the exclusive right to print and sell such book, map, print, engraving or translation in the Empire of China during ten years from the date of registration. With the exception of the books, maps, etc., specified  
 25 above, which may not be reprinted in the same form, no work shall be entitled to copyright privileges under this article. It is understood that Chinese subjects shall be at liberty to make, print and sell original translations into Chinese of any works written or of maps compiled by a citizen of the United States. This article shall not be held to  
 30 protect against due process of law any citizen of the United States or Chinese subject who may be author, proprietor or seller of any publication calculated to injure the well-being of China.

\* \* \* \* \*

In testimony whereof, we, the undersigned, by virtue of our respective powers, have signed this Treaty in duplicate in the English and  
 35 Chinese languages, and have affixed our respective seals.

Done at Shanghai, this eighth day of October in the year of our Lord one thousand nine hundred and three, and in the twenty-ninth year of Kuang Hsü eighth month and eighteenth day.

[SEAL]	EDWIN H. CONGER,
40 [SEAL]	JOHN GOODNOW,
[SEAL]	JOHN F. SEAMAN.

Signatures and seal of Chinese Plenipotentiaries:

[LÜ HAI-HUAN]  
 [SHENG HSÜAN-HUAI]

\* \* \* \* \*

45 And whereas the said Treaty and Annexes have been duly ratified on both parts, and the ratifications of the two governments were

exchanged in the City of Washington, on the thirteenth day of January, one thousand nine hundred and four;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Treaty and Annexes to be made public, to the end that the same and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this thirteenth day of 10

[SEAL.] January in the year of our Lord one thousand nine hundred and four, and of the Independence of the United States the one hundred and twenty-eighth.

THEODORE ROOSEVELT.

By the President:

JOHN HAY,

*Secretary of State.*

15

In "The Statutes at Large of the United States of America, from November, 1903, to March, 1905." Vol. 33, part 2, 8vo. Washington, 1905, pp. 2208, 2213-2214, 2216, 2217.

20

#### JAPAN.

#### COPYRIGHT CONVENTION BETWEEN THE UNITED STATES AND JAPAN, MAY 10, 1906.

[Signed at Tokio November 10, 1905. Ratification advised by the Senate February 28, 1906. Ratified by the President March 7, 1906. Ratified by Japan April 28, 1906. Ratifications exchanged at Tokio May 10, 1906. Proclaimed May 17, 1906.]

25

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

Whereas a Convention between the United States of America and the Empire of Japan, providing for legal protection in both countries in regard to copyright, was concluded and signed by their respective Plenipotentiaries at Tokio on the tenth day of November, one thousand nine hundred and five, the original of which Convention being in the English and Japanese languages is word for word as follows:

The President of the United States of America and his Majesty the Emperor of Japan being equally desirous to extend to their subjects and citizens the benefit of legal protection in both countries in regard to copyright, have, to this end, decided to conclude a Convention, and have appointed as their respective Plenipotentiaries:

The President of the United States of America, Lloyd C. Griscom, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Japan; and

His Majesty the Emperor of Japan, General Count Taro Katsura, Junii, First Class of the Imperial Order of the Rising Sun, Third

30

35

40

1 Class of the Imperial Order of the Golden Kite, His Imperial Majesty's  
Minister of State for Foreign Affairs;

Who, having reciprocally communicated their full powers, found in  
good and due form, have agreed as follows

5

## ARTICLE I.

The subjects or citizens of each of the two High Contracting Parties  
shall enjoy in the dominions of the other, the protection of copyright  
for their works of literature and art as well as photographs, against  
illegal reproduction, on the same basis on which protection is granted  
10 to the subjects or citizens of the other, subject however to the pro-  
visions of Article II of the present Convention.

## ARTICLE II.

The subjects or citizens of each of the two High Contracting Parties  
may without authorization translate books, pamphlets or any other  
15 writings, dramatic works, and musical compositions, published in the  
dominions of the other by the subjects or citizens of the latter, and  
print and publish such translations.

## ARTICLE III.

The present Convention shall be ratified, and the ratifications thereof  
20 shall be exchanged at Tokio as soon as possible. It shall come into  
operation from the date of the exchange of ratifications, and shall be  
applicable to such works only as shall be published after it shall have  
come into operation. Either of the Contracting Parties shall have  
the right, at any time, to give notice to the other of its intention to  
25 terminate the present Convention, and at the expiration of three  
months after such notice is given this Convention shall wholly cease  
and determine.

In witness whereof the above mentioned Plenipotentiaries have  
signed the present Convention and have affixed thereto their seals.

30 Done in duplicate at Tokio, in the English and Japanese languages,  
this 10th day of November, of year one thousand nine hundred and  
five, corresponding to the 10th day of the 11th month of the 38th year  
of Meiji.

35 [SEAL.]  
[SEAL.]

LLOYD C. GRISCOM.  
TARO KATSURA.

And whereas the said Convention has been duly ratified on both  
parts, and the ratifications of the two governments were exchanged in  
the City of Tokio on the tenth day of May, one thousand nine hundred  
and six;

40 Now, therefore, be it known that I, Theodore Roosevelt, President  
of the United States of America, have caused the said Convention to  
be made public, to the end that the same and every article and clause  
thereof may be observed and fulfilled with good faith by the United  
States and the citizens thereof.



In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed. 1

Done at the City of Washington this seventeenth day  
[SEAL] of May, in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States 5  
of America the one hundred and thirtieth.

THEODORE ROOSEVELT.

By the President:

ELIHU ROOT

*Secretary of State.*

10

## VIII.

### APPENDIX.

#### STATE LAWS TO PROTECT DRAMATIC AND MUSICAL WORKS.

(Arranged in order of date.)

##### NEW HAMPSHIRE.

15

LAWS, 1895, CHAPTER 42.

AN ACT to protect \* \* \* the owners of literary, dramatic, and musical compositions and works of art in their property.

1895.  
March 13.

*Be it enacted by the Senate and House of Representatives  
in General Court convened:*

20

SECTION 1. \* \* \* And whenever any person, firm, association, or corporation is the owner of any literary, dramatic, or musical composition and the rights of the author pertaining thereto, and such composition has not been copyrighted, printed, or published, or of any map, charter [*sic*], engraving, cut, print, photograph or negative thereof, statue, statuary, model, or design, which has not been copyrighted or offered for sale, it shall be unlawful for any other person, firm, association, or corporation to publish, produce, print, or sell or offer to sell the same without first obtaining the consent of the owner thereof. 30

\* \* \* \* \*

SECTION 7. Any violations of any of the provisions of this act shall be punished by imprisonment in the county jail for a term of not less than three months nor more than one year, or by a fine of not less than one hundred dollars nor more than two hundred dollars, or both.

\* \* \* \* \*

[Approved March 13, 1895.]

35

In "Laws of the State of New Hampshire, passed January Session, 1895. 8vo. Concord, Ed. N. Pearson, 1895, pp. 384, 385.

1

## NEW YORK.

LAWS, 1899, CHAPTER 475.

AN ACT to amend the penal code of the State of New York in relation to copy-  
rights.

5                    *The People of the State of New York, represented in*  
1899,                *Senate and Assembly, do enact as follows:*  
September 1.

SECTION 1. The penal code of the State of New York  
is hereby amended by adding thereto a new section to be known as  
section seven hundred and twenty-nine, and to read as follows:

10 SEC. 729. Any person who causes to be publicly performed or rep-  
resented for profit any unpublished undedicated or copyrighted  
dramatic composition, or musical composition known as an opera,  
without the consent of its owner or proprietor, or who, knowing that  
such dramatic or musical composition is unpublished undedicated or  
15 copyrighted and without the consent of its owner, or proprietor, per-  
mits, aids or takes part in such a performance or representation shall  
be guilty of a misdemeanor.

SEC. 2. This act shall take effect September first, eighteen hundred  
and ninety-nine.

20 [Became a law May 2, 1899, with the approval of the Governor.  
Passed, three-fifths being present.]

In "Laws of the State of New York passed at the one hundred and twenty-  
second session of the Legislature, begun January 4th, 1899, and ended April  
28th, 1899, in the City of Albany." 1899, Vol. II, 8vo. Albany, Banks & Co.,  
25 1899, p. 1001.

In "The Penal Code of the State of New York being Chapter 676 of the Laws  
of 1881, as amended by the Laws of 1882-1905, inclusive. Edited by Amasa J.  
Parker, Jr." 12mo. New York, The Banks Law Pub. Co., 1905, p. 290.

## LOUISIANA.

30

LAWS, 1900, ACT NO. 75.

AN ACT forbidding any person or Company from producing any unpublished or  
undedicated dramatic or musical composition, and providing for the punishment  
of violations of the provisions of this Act.

35                    *Be it enacted by the General Assembly of the State of*  
1900,                *Louisiana, That any person or company who takes part*  
July 9.                *in or causes to be publicly performed or represented for*  
*profit any unpublished or undedicated dramatic or musical composi-*  
*tion known as an opera without the consent of its owner or proprietor,*  
*or who, knowing that such dramatic or musical composition is unpub-*  
40 *lished or undedicated and without the consent of the owner or pro-*  
*prietor, permits, aids, or takes part in such a performance or repre-*  
*sentation, shall be guilty of a misdemeanor, and shall be punished by*  
*a fine of not less than One Hundred, nor more than Five Hundred*

Dollars, for every such performance, or imprisonment for not less 1  
than thirty days.

Approved, 9th July, 1900.

In "Acts passed by the General Assembly of the State of Louisiana at the Regular Session, begun and held in the City of Baton Rouge, on the fourteenth day of May, 1900." 8vo. Baton Rouge, The Advocate, Official Journal of the State of Louisiana, 1900, pp. 126-127. 5

In "Constitution and Revised Laws of Louisiana. Second, enlarged and revised edition in two volumes. Compiled and annotated by Solomon Wolff." Vol. 1, 8vo. New Orleans, La., F. F. Hansell & Bro., [1904], p. 358. 10

## OREGON.

[HOUSE BILL NO. 144.]

AN ACT relating to the public representation of dramatic plays and musical compositions, and to provide for the punishment of the unauthorized performance or representation thereof. 15

1901, *Be it enacted by the Legislative Assembly of the State of*  
February 27. *Oregon:*

Any person who knowingly causes to be publicly performed, or represented for profit, any unpublished or undedicated dramatic composition, or musical composition known as an opera, without the consent of its owner or proprietor, or who, knowing that such dramatic or musical composition is unpublished or undedicated, and without the consent of its owner or proprietor, permits, aids, or takes part in such a performance or representation, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars (\$100), or by imprisonment in the county jail not more than six months, or by both such fine and imprisonment. Each performance or representation so given shall be deemed a substantive offense. 20 25

Approved February 27, 1901. 30

In "The General Laws and Joint Resolutions and Memorials [of the State of Oregon] enacted and adopted by The Twenty-First Regular Session of the Legislative Assembly, 1901." 8vo. Salem, Oregon, W. H. Leeds, 1901, p. 172.

## PENNSYLVANIA.

LAWS, 1901, NO. 209. 35

AN ACT prohibiting the public presentation for profit of unpublished dramatic plays and musical compositions, without consent of the authors thereof, and providing punishment for violation of the provisions of this act.

1901, SECTION 1. *Be it enacted, etc.,* That no unpublished  
May 29. dramatic play and no unpublished musical composition 40  
shall be publicly presented for profit, without consent of  
the author or authors thereof.

1 SECTION 2. Any and all persons, firms and corporations violating the provisions of section one of this act shall be guilty of a misdemeanor, and on conviction thereof shall, for each offense, be sentenced to pay a fine of not less than ten dollars and not more than five hundred dollars, 5 or to be imprisoned not exceeding three months, or either or both, at the discretion of the court of quarter sessions.

Approved the 29th day of May, A. D., 1901.

In "Laws of the General Assembly of the Commonwealth of Pennsylvania, passed at the Session of 1901." 8vo. [Harrisburg], W. S. Ray, 1901, p. 335.

10

## OHIO.

[SENATE BILL NO. 20]

AN ACT fixing a penalty for the unauthorized presentation of dramatic plays and musical compositions.

1902, *Be it enacted by the General Assembly of the State of*  
15 March 25. *Ohio:*

SECTION 1. That any person who causes to be publicly performed or represented for profit any unpublished or undedicated dramatic composition or musical composition known as an opera, without the consent of its owner or proprietor, or who, knowing that such 20 dramatic or musical composition is unpublished or undedicated and without the consent of its owner or proprietor permits, aids or takes part in such a performance or representation, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars and not more than three hundred dollars, or be impris- 25 oned not less than thirty days or more than three months, or both.

SECTION 2. This act shall take effect and be in force from and after its passage.

Passed March 25, 1902.

30 In "General and Local Acts passed and Joint Resolutions adopted by the Seventy-Fifth General Assembly [of the State of Ohio], \* \* \* begun and held in the City of Columbus, January 6, 1902." Vol. 95, 8vo. Columbus, Ohio, F. J. Heer, 1902, p. 68.

## NEW JERSEY.

LAWS, 1902, CHAPTER 249.

35 AN ACT to protect property in manuscript and uncopyrighted plays.

1902, *Be it enacted by the Senate and General Assembly of the*  
April 10. *State of New Jersey:*

1. Any person who causes to be publicly performed or represented for profit any unpublished, undedicated or copyrighted dramatic 40 composition, or musical composition known as an opera, without the consent of its owner or proprietor, or who, knowing that such dramatic or musical composition is unpublished, undedicated, or copy-

righted, and without the consent of its owner or proprietor permits, 1  
aids or takes part in such a performance or representation, shall be  
guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved April 10, 1902.

5

In "Acts of the One Hundred and Twenty-Sixth Legislature of the State of  
New Jersey [1902]." 8vo. Trenton, N. J., The J. L. Murphy Publishing Co.,  
1902, p. 708.

### MASSACHUSETTS.

LAWS, 1904, CHAPTER 183.

10

AN ACT to prohibit unauthorized performances or representations of certain dra-  
matic and musical compositions.

1904, *Be it enacted by the Senate and House of Representatives*  
March 29. *in General Court assembled, and by the authority of the*  
*same, as follows:*

15

Whoever causes to be publicly performed or represented an unpub-  
lished and undedicated dramatic or musical composition without the  
consent of the proprietor thereof, and with knowledge or notice that  
such dramatic or musical composition is unpublished and undedicated,  
or whoever, being in control of a theatre or other public place of 20  
amusement, licensed or unlicensed, without such consent and with such  
knowledge or notice permits a public performance or representation  
of such dramatic or musical composition in such theatre or place of  
amusement, or whoever without such consent and with such knowledge  
or notice takes part in a public performance or representation of such 25  
dramatic or musical composition, shall be guilty of a misdemeanor,  
and shall be punished by a fine not exceeding one hundred dollars or  
by imprisonment for not more than six months, or by both such fine  
and imprisonment.

Approved March 29, 1904.

30

In "Acts and Resolves passed by the General Court of Massachusetts in the  
year 1904." 8vo. Boston, Wright & Potter Printing Co., 1904, p. 159.

### MINNESOTA.

LAWS, 1905, CHAPTER 40.

AN ACT forbidding any person or company from producing or playing for profit 35  
any unpublished or undedicated dramatic or musical composition and prohib-  
iting any person, company or corporation from selling a copy or substantial copy  
of any unpublished, undedicated or copyrighted opera or musical composition  
without the consent of the author or proprietor, and providing for a penalty  
therefor.

40

1905, *Be it enacted by the Legislature of the State of Minne-*  
March 15. *sota:*

SECTION 1. Any person, company or corporation who  
knowingly causes to be publicly performed, or represented for profit,  
any unpublished or undedicated dramatic composition, or musical 45

1 composition known as an opera, without the consent of its owner or proprietor, who knowing that such dramatic or musical composition is unpublished or undedicated, and without the consent of its owner or proprietor, permits, aids or takes part in such a performance or representation, or any person, company or corporation who sells a copy or a substantial copy, or any unpublished, undedicated or copyrighted dramatic composition or musical composition known as an opera, without the written consent of the author or proprietor of such dramatic or musical composition, shall be guilty of a misdemeanor.

10 SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1905.

15 In "General Laws of the State of Minnesota passed during the thirty-fourth Session of the State Legislature commencing January 3d, 1905." 8°. Minneapolis, Harrison & Smith Co., 1905, p. 60.

## CALIFORNIA.

LAWS, 1905, CHAPTER 276.

20 AN ACT to add a new section to the Penal Code to be numbered 367a, prohibiting unauthorized performances and representations of certain dramatic or musical compositions.

1905, *The People of the State of California, represented in*  
March 18. *Senate and Assembly, do enact as follows:*

SECTION 1. There is hereby added to the Penal Code a new section to be numbered 367a to read as follows:

25 367a. Any person who causes to be publicly performed or represented for profit any unpublished or undedicated dramatic composition or dramatic-musical composition known as an opera, without the consent of its owner or proprietor, or who, knowing that such dramatic or musical composition is unpublished or undedicated, and without the

30 consent of its owner or proprietor, permits, aids or takes part in such a performance or representation, or who sells a copy or a substantial copy of any unpublished, undedicated or copyrighted dramatic composition or musical or dramatic-musical composition, known as an opera, without the consent of the author or proprietor of such dra-

35 matical or dramatic-musical composition shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less fifty (50) dollars, and not more than three hundred (300) dollars, or be imprisoned for not less than thirty (30) days or more than three (3) months or both such fine and imprisonment.

40 Approved March 18, 1905.

In "The Statutes of California and amendments to the Codes passed at the Thirty-sixth Session of the California Legislature, 1905." 8vq. Sacramento, W. W. Shannon, 1905, p. 248.

45 In "1905 Supplement to the Codes of California \* \* \* by James H. Deering." 24mo. San Francisco, Bancroft-Whitney Co., 1905, p. 292-293.

## WISCONSIN.

1

## LAWS, 1905, CHAPTER 281.

AN ACT to prevent the unauthorized presentation of dramatic plays and musical compositions.

1905, *The People of the State of Wisconsin, represented in*  
June 1. *Senate and Assembly, do enact as follows:* 5

SECTION 1. Any person who sells a copy or a substantial copy, or who causes to be publicly performed or represented for profit, any unpublished or undedicated dramatic play or musical composition, known as an opera, without the written consent of its owner or proprietor, or, who, knowing that such dramatic play or musical composition is unpublished or undedicated, and, without the written consent of its owner or proprietor, permits, aids, or takes part in such a performance or representation, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than one hundred dollars, or by imprisonment not exceeding sixty days. 15

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

In "The Laws of Wisconsin, joint Resolutions and Memorials passed at the 20 Biennial Session of the Legislature, 1905." 8vo. Madison, Wis., Democrat Printing Co., 1905, p. 422.

## CONNECTICUT.

## LAWS, 1905, CHAPTER 130.

AN ACT concerning unauthorized performances of certain dramatic and musical compositions. 25

1905, *Be it enacted by the Senate and House of Representatives*  
June 7. *in General Assembly convened:*

SECTION 1. Any person who causes to be publicly performed or represented for profit any unpublished, undedicated, or copyrighted dramatic composition, or any musical composition known as opera, without the consent of its owner or proprietor, or who, knowing that such dramatic or musical composition is unpublished, undedicated, or copyrighted, and without the consent of its owner or proprietor, permits, aids, or takes part in such performance or representation, shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both. 30 35

SEC. 2. Nothing in this act shall affect amateur performances or representations given for purely charitable purposes.

Approved, June 7, 1905.

40

In "Public Acts passed by the General Assembly of the State of Connecticut in the year 1905." 8vo. [Hartford,] Hartford Press, The Case, Lockwood & Brainard Co., 1905, p. 338.

1

## MICHIGAN.

LAWS, 1905, NO. 268.

AN ACT prohibiting public presentation for profit of unpublished or undedicated  
dramatic plays and musical compositions, without the consent of the owner or  
5 proprietor thereof, and providing punishment for violation of the provisions of  
this act.

1905,  
June 16. *The People of the State of Michigan enact:*

SECTION 1. No unpublished, uncopyrighted or undedi-  
cated dramatic play and no unpublished or undedicated  
10 musical composition shall be publicly performed or represented for  
profit, without consent of the owner or proprietor thereof.

SECTION 2. Any and all persons, firms and corporations that shall  
cause to be publicly performed or represented for profit any unpub-  
lished, uncopyrighted or undedicated dramatic composition, or unpub-  
15 lished or undedicated musical composition, without the consent of the  
owner or proprietor or who, knowing that such dramatic or musical  
composition is unpublished or undedicated, and without the consent of  
its owner or proprietor, permits, aids or takes part in such a per-  
formance or representation, shall be guilty of a misdemeanor and, on  
20 conviction thereof, shall for each offense be sentenced to pay a fine of  
not less than ten dollars, and not more than five hundred dollars, or be  
imprisoned not exceeding three months, or either, or both, at the  
discretion of the court.

Approved June 16, 1905.

25 In "Public Acts of the Legislature of the State of Michigan passed at the  
Regular Session of 1905." 8vo. Lansing, Michigan, Wynkoop Hallenbeck Craw-  
ford Co., 1905, p. 415.



## IX.

1

### NOTES.

NOTE 1. (*See page 11*).

CONNECTICUT LAWS, OCTOBER SESSION, 1812, CHAPTER IX.

AN ACT to repeal an act entitled "An act for the encouragement of literature and genius."

*Be it enacted by the governor and council and house of representatives in general court assembled, That the act entitled "An act for the encouragement of literature and genius," be and the same is hereby, repealed.*

General assembly, October session, 1812.

10

In "The Public Statute Laws of the State of Connecticut. Book II. Commencing October Session, 1808. Published by Authority of the General Assembly." 8vo. Hartford, Hudson & Co., [1819], p. 10<sup>4</sup>

NOTE 2. (*See page 14*.)

MASSACHUSETTS BAY COLONY. 1672, MAY 15.

15

[The Records of the Company of the Massachusetts Bay in New England.]

Att a Generall Court for Elections, held at Boston, 15th day of May, 1672.

\* \* \* \* \*

In ans<sup>r</sup> to the petition of John Vsher, the Court judgeth it meete to order, & be it by this Court ordered & enacted, that no printer shall print any more coppies then 20 are agreed & paid for by the owner of the said coppie or coppies, nor shall he nor any other reprint or make sale of any of the same, w<sup>th</sup>out the said owners consent, vpon the forfeiture and pœnalty of treble the whole charges of printing, & paper, &c, of the whole quantity paid for by the owner of the coppie, to the said owner or his assignes.

25

In "Records of the Governor and Company of the Massachusetts Bay in New England. Printed by order of the Legislature. Edited by Nathaniel B. Shurtleff." Vol. 4, part 2. 1661-1674. 4°. Boston, W: White, 1854, pp. 506, 527.

NOTE 3. (*See page 52*.)

30

FRANKING PRIVILEGE FOR COPYRIGHT DEPOSITS.

For further mutations of the franking privilege see the appropriation act of March 3, 1873, chapter 231, which provided:

SEC. 3. \* \* \* . *Provided*, That all laws and parts of laws permitting the transmission by mail of any free matter whatever be, and the same are hereby, repealed 35 from and after June thirtieth, eighteen hundred and seventy-three. (17 Stat. L., p. 559.)

NOTE 3—*Continued.*

- 1 See also the act of March 3, 1877, chapter 103, sections 5 and 6 (19 Stat. L., pp. 335-336); and the act of March 3, 1897, chapter 180, section 29 (20 Stat. L., p. 362).

NOTE 4. (*See page 60.*)

# 5 TYPESETTING IN THE PHILIPPINE ISLANDS.

## COPYRIGHT LAW—PHILIPPINE ISLANDS.

- The provisions of the copyright act of March 3, 1891 (26 Stat., 1107), which requires that the two copies of books, photographs, chromos, or lithographs required to be deposited with the Librarian of Congress shall be printed from type set within the limits of the United States, are not complied with by depositing with that officer copies of publications printed from type set within the Philippine Islands. Congress has not extended the copyright laws to the Philippines, but has enacted, in setting up a separate government for these islands, that section 1891 of the Revised Statutes, extending the Constitution and applicable laws to organized Territories, is not to be in force in the Philippines.

DEPARTMENT OF JUSTICE,  
*Washington, D. C., July 28, 1903.*

- SIR: I have the honor to acknowledge your reference, with a request for an opinion, of a letter, dated the 14th instant, from the Librarian of Congress, in which he says:
- 20 The Revised Statutes relating to copyright (section 4956) require in regard to a book, photograph, chromo, or lithograph, that two copies be deposited; and by the amendatory act of March 3, 1891 (26 Stat., 1107), it is further required that in the case of these four articles—

- “The two copies of the same required to be delivered or deposited as above shall be printed from type set within the limits of the United States; or from plates made therefrom, or from negatives, or drawings on stone made within the limits of the United States, or from transfers made therefrom.”

- The question is raised as regards citizens of the United States residing in the Philippines, whether this provision of the act of March 3, 1891, is complied with if copies of their books, photographs, chromos, or lithographs are deposited which have been printed from type set within the territory of the Philippines. \* \* \*

- The Supreme Court decided that the tariff law of 1897, levying duties upon goods imported into the United States “from foreign ports,” did not apply to goods coming from our insular possessions, because their ports were not foreign, but domestic.
- 35 The principle applied was the same as in the case of laws concerning minors, which do not affect those who were minors when the laws were passed after they cease to be minors.

- It was not decided, however, that our new possessions are part of “the United States” or “within the limits of the United States.”
- 40 Internationally, they are a part of the United States, that is to say, territory under our exclusive sovereignty. But their relations with our own legal system are determined by other than international principles.

- In an opinion of my predecessor, dated December 2, 1898 (22 Opin., 269), speaking of “Porto Rico, Cuba, and Manila,” he said:
- 45 When they shall have been directly ceded by treaty to the United States, and such treaty duly ratified by the Senate, their respective inhabitants will not be entitled to the benefit of the copyright laws unless the treaty by its terms confers such right, or Congress shall afterwards extend such laws to the inhabitants of those countries.

- Congress has not extended the copyright laws to the Philippines, but has enacted, in setting up a separate government and institutions for those islands, that section

NOTE 4—*Continued.*

1891 of the Revised Statutes, extending the Constitution and applicable laws to organized Territories, is not to be in force in the Philippines. 1

That a country may be a domestic country and yet not a part of "the United States" is apparent from the thirteenth amendment to the Constitution and the various opinions in the insular tariff cases. The treaty and law-making power seem to have sought to avoid incorporating the Philippines with the United States. They are given a local government for local purposes, with little or no machinery for enforcing distinctively Federal law; a separate customs system, treasury, and postal service; and they are then held aloof by the declaration that the law for the usual extension of the Constitution and laws to organized Territories is not to apply. 5 10

Whether we should regard their resulting status as excluding them from "the United States" generally, or treat the declaration referred to as equivalent to saying that Congress does not intend the Revised Statutes as amended, including R. S. 4956, to be construed as embracing the Philippines, I think the question presented by the Librarian of Congress should be answered in the negative. 15

Very respectfully,

HENRY M. HOYT,  
*Acting Attorney-General.*

The PRESIDENT.

In "Official Opinions of the Attorneys-General of the United States." Advance sheets. Vol. 25, 8vo. Washington, Government Printing Office, 1903 [-1906], 20 pp. 25-27.

NOTE 5. (*See page 61.*)

#### FREE LISTS OF THE TARIFF ACTS OF 1890 AND 1897.

The paragraphs referred to in section 3 of the act of March 3, 1891, amending section 4956 of the Revised Statutes, are from the list of articles allowed to be imported free of duty, of the act of October 1, 1890, and are as follows: 25

#### FREE LIST OF TARIFF ACT OF 1890.

512. Books, engravings, photographs, bound or unbound etchings, maps, and charts, which shall have been printed and bound or manufactured more than twenty years at the date of importation. 30

513. Books and pamphlets printed exclusively in languages other than English; also books and music, in raised print, used exclusively by the blind.

514. Books, engravings, photographs, etchings, bound or unbound, maps and charts imported by authority or for the use of the United States or for the use of the Library of Congress. 35

516. Books, maps, lithographic prints, and charts, specially imported, not more than two copies in any one invoice, in good faith, for the use of any society incorporated or established for educational, philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use or by order of any college, academy, school, or seminary of learning in the United States, subject to such regulations as the Secretary of the Treasury shall prescribe. 40

516. Books, or libraries, or parts of libraries, and other household effects of persons or families from foreign countries, if actually used abroad by them not less than one year, and not intended for any other person or persons, nor for sale. (Fifty-first Congress, first session, chapter 1244, 26 Statutes at Large, page 604.) 45

NOTE 5—*Continued.*

- 1 The paragraphs Nos. 512 to 516, inclusive, of the tariff act approved October 1, 1890, became by the amended tariff act approved July 24, 1897, paragraphs Nos. 500 to 504, inclusive, of the free list as follows:

FREE LIST OF THE TARIFF ACT OF 1897.

- 5 "500. Books, engravings, photographs, etchings, bound or unbound, maps and charts imported by authority or for the use of the United States or for the use of the Library of Congress.
- "501. Books, maps, music, engravings, photographs, etchings, bound or unbound, and charts, which shall have been printed more than twenty years at the date of  
10 importation, and all hydrographic charts, and publications issued for their subscribers or exchanges by scientific and literary associations or academies, or publications of individuals for gratuitous private circulation, and public documents issued by foreign governments.
- "502. Books and pamphlets printed exclusively in languages other than English;  
15 also books and music, in raised print, used exclusively by the blind.
- "503. Books, maps, music, photographs, etchings, lithographic prints, and charts, specially imported, not more than two copies in any one invoice, in good faith, for the use or by order of any society or institution incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encour-  
20 agement of the fine arts, or for the use or by order of any college, academy, school, or seminary of learning in the United States, or any State or public library, and not for sale, subject to such regulations as the Secretary of the Treasury shall prescribe.
- "504. Books, libraries, usual and reasonable furniture, and similar household effects of persons or families from foreign countries, all the foregoing if actually used  
25 abroad by them not less than one year, and not intended for any other person or persons, nor for sale." (Fifty-fifth Congress, first session, chapter 11, 30 Statutes at Large, 196.)

OPINION OF THE ATTORNEY-GENERAL, JUNE 5, 1901.

- 30 The question whether the amended paragraphs 500 to 504 of the Act of July 24, 1897, should be considered a part of the copyright law was submitted to the Attorney-General, who decided on June 5, 1901, adversely to that construction. The text of his decision follows:

IMPORTATION OF COPYRIGHTED MUSIC.

- 35 Copyrighted music imported under the provisions of paragraph 503, Act of 1897, is not exempted from the prohibition of importation contained in the amendment of section 4956, Revised Statutes, by Act of March 3, 1891.

(23225.)

TREASURY DEPARTMENT, *August 10, 1901.*

- SIR: I am in receipt of your letter of April 16 last, in which you request an opin-  
40 ion from this Department, in order to answer inquiries submitted to your office, whether paragraph 503 of the tariff Act of 1897, which includes music in the free list, is operative to allow the importation of copyrighted music, two copies at any one time, when imported for the use of any society incorporated or established for educational, philosophical, or religious purposes, etc.

- 45 The Department, being in doubt, in view of the decision of the United States circuit court for the district of Massachusetts in the case of Littleton et al. v. Oliver Ditson Company (62 Fed. Rep., 597), and of certain opinions of the Attorney-General, submitted the question to that officer, and it will be observed from his reply (a copy of which is inclosed) that copyrighted music imported under the provisions of  
50 the paragraph cited is not exempted from the prohibition of importation contained in the amendment of section 4956, Revised Statutes, by the Act of March 3, 1891.

Respectfully,

O. L. SPAULDING, *Assistant Secretary.*

REGISTER OF COPYRIGHTS,

- 55 *Library of Congress, Washington, D. C.*

NOTE 5—Continued.

Paragraph 503 of the free list of the tariff act of July 24, 1897 (30 Stat., 196), merely provides when and under what circumstances the articles therein specified are exempt from duty on importation, and does not repeal or modify any part of the copyright law. 1

By sections 4964 and 4965, R. S., as amended March 3, 1891 (26 Stat., 1109), the importation of any of the copyrighted articles enumerated therein, including music, is made a penal offense, and consequently is prohibited. 5

What is implied in a statute is just as much a part of it as if expressed.

DEPARTMENT OF JUSTICE,

June 5, 1901. 10

SIR: I have the honor to reply to your note of May 29, 1901, in which, after referring me to various sections of the copyright act of 1891 and the tariff act of 1897, you request my official opinion, in substance, whether, notwithstanding the prohibitions of the copyright act, paragraph 503 of the free list of the tariff act of 1897 authorizes the importation of copyrighted music for the purposes and in the manner specified in that paragraph. 15

The principal question is, whether the copyright act forbids the importation of copyrighted music. If it does, the second question would be, whether paragraph 503 of the tariff act authorizes what the copyright act forbids.

The copyright act of March 3, 1891 (26 Stat., 1109), amending section 4956 of the Revised Statutes, provides that— 20

During the existence of such copyright the importation into the United States of any book, chromo, lithograph, or photograph, so copyrighted, or any edition or editions thereof, \* \* \* shall be, and is hereby, prohibited.

Except in the cases specified in paragraphs five hundred and twelve to five hundred and sixteen, inclusive, in section two of the act entitled "An act to reduce the revenue and equalize the duties on imports, and for other purposes, approved October first, eighteen hundred and ninety," and, 25

Except in the case of persons purchasing for use and not for sale, who import subject to the duty thereon, not more than two copies of such book at any one time \* \* \* which are hereby exempted from prohibition of importation. (26 Stat., 1107, 1108.) 30

It was, of course, competent in such acts to forbid the importation of all such copyrighted articles, or to forbid the importation of only some of them. Whether the acts have done the one or the other must be determined by inspection. 35

By Revised Statutes, section 4952, as amended (26 Stat., 1109), the following articles may be copyrighted, viz., a "book, map, chart, dramatic or musical composition, engraving, cut, print, photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts," while by section 3 of that act, amending Revised Statutes, section 4956, the prohibition of importation extends only to a "book, chromo, lithograph, or photograph." 40

It is obvious, therefore, that Congress intended by this section to prohibit the importation of only a small portion of the articles which might be copyrighted, and equally apparent that the prohibition intended and expressed is only of the four articles there named; and, if this were the only prohibition, it is quite certain that it would not prohibit the importation of copyrighted music nor musical compositions. 45

But, while this is the only express prohibition, it is not the only prohibition of importation contained in the copyright act of March 3, 1891. By amended sections 4964 and 4965, Revised Statutes (26 Stat., 1109), the importation of any of the enumerated copyrighted articles is made a penal offense. This can mean nothing less than the prohibition of what is thus made penal; for what is implied in a statute is just as much a part of it as if expressed. The result is that, while by amended sec- 50

NOTE 5—*Continued.*

tion 4956 the importation of only four kinds of copyrighted articles is forbidden, with certain exceptions there specified, yet, by amended sections 4964 and 4965, the importation of any and all copyrighted articles is prohibited, including the second prohibition of the four first named, and to this second prohibition there is no exception at all, unless the exceptions to cases in section 4956 extend also to the cases in sections 4964 and 4965. Under this kind of legislation it is impossible to arrive at any satisfactory conclusion as to what Congress really did intend by it.

I am of opinion, however, that the importation of all the copyrighted articles mentioned in amended sections 4956, 4964, and 4965 is prohibited, with the exceptions stated in amended section 4956. And I am of opinion that these exceptions, though not so expressed, apply alike to the prohibitions in all these three sections, so far as, in their nature, they are applicable to articles mentioned in sections 4964 and 4965.

These exceptions are thus stated:

Except in the cases specified in paragraphs 512 to 516, inclusive, in section 2 of the act of 1890—the tariff act.

And except in cases of persons purchasing for use and not for sale, who import subject to the duty thereon, not more than two copies of such book at any one time, and except that in case of newspapers and magazines not containing in whole or in part, matter copyrighted under the provisions of this act, unauthorized by the author, which are hereby exempted from prohibition of importation.

The effect of the first exception is to exempt from the prohibition of importation the articles mentioned in paragraphs 512 to 516, inclusive, of the tariff act of 1890. It relates expressly to those named articles, and it does not extend the exemption to any others, nor to any others that may be included in the same or similar paragraph of any subsequent act, and as music or musical compositions are not included in these paragraphs 512 to 516, neither is exempted from the prohibition of importation, nor does it become so by having one of the articles named in paragraph 503 of the tariff act of 1897. The exemption referred expressly to articles in the tariff act of 1890, and not to articles in the tariff of 1897.

The other exception of prohibition of importation has relation, so far as is important here, to *books* only, and not to music.

With relation to this and to some other portions of this opinion, I am not unmindful that music and musical compositions are sometimes in the form of books, and are sometimes produced or reproduced by lithography, or by a process of photography. But it is apparent that in these acts the words “books,” “lithographs,” and “photographs” are used in their ordinary and popular sense, and that the word “book,” “lithograph,” or “photograph” was not understood or intended to include music or musical compositions is apparent from the fact that, while mentioning these three, the act in several instances expressly adds also musical compositions as not being already provided for.

This term would have been without meaning and useless in the statute, although several times used, if it were included in what is otherwise expressed. When a general word or term is used, broad enough to include another particular thing or species, but that other is also expressly named in the same connection, it is presumed that this was done because it was not understood or intended to be comprehended in the more general word or term.

It is quite obvious, and is also the result of rules of legal construction, that the words “book,” “lithograph,” or “photograph” were not intended to include music or musical compositions. They are, therefore, not within any exception to the prohibition of importation. (*Littleton v. Oliver Ditson Co.*, 62 Fed. Rep., 597.)

Paragraph 503 of the tariff act of 1897—as to the effect of which you inquire—has nothing whatever to do with the question submitted. The object and office of a tariff

NOTE 5—*Continued.*

act is to prescribe certain duties to be levied upon certain imported articles and to state what articles are exempt from such duties. Unless expressly so provided, it has little or nothing to do with authorizing the importation of foreign goods. Generally, and unless expressly forbidden, the importation of goods from one friendly nation to another is merely a matter of common right and comity, and does not require any special authorization by tariff laws or otherwise. 1 5

Indeed, the tariff act of 1897 does not profess to confer any right of importation. As is usual in such statutes, its first section simply provides that "there shall be levied, collected, and paid upon all articles imported," etc., certain specified duties, and the free list begins with the statement that, "unless otherwise specially provided for in this act, the following articles, when imported, shall be exempt from duty." Doubtless, if it were required, these would amount to an implied permission to import upon the terms stated; but this is not at all the object or purpose, nor is it at all necessary. Nor does the right to import depend at all upon these provisions, but would exist equally without them, and by the comity of friendly nations. 10 15

Paragraph 503 of the tariff act of 1897 therefore simply provides when and under what circumstances the articles there specified, including music, are exempt from duty on importation, and does not contradict, much less repeal, modify, or abrogate any part of the copyright act.

Your question is therefore answered in the negative.

Respectfully,

P. C. KNOX.

THE SECRETARY OF THE TREASURY.

In "Official Opinions of the Attorneys-General of the United States. Edited by John L. Lott and James A. Finch." Vol. 23, 8°. Washington, Government Printing Office, 1902, pp. 445-450.

Also in "Treasury Decisions. 1901." Vol. 4, 8vo. Washington, Government Printing Office, 1902, pp. 697-700.

NOTE 6. (*See page 61*).

TREASURY DEPARTMENT DECISIONS AND OPINIONS OF THE ATTORNEYS-GENERAL CONCERNING IMPORTATION UNDER THE PROVISIONS OF THE COPYRIGHT LAWS.

(a) CUSTOMS REGULATIONS AS TO IMPORTATION OF COPYRIGHT ARTICLES, 1899.

*Copyrighted books and other articles.*

ART. 613. Copyrighted books and articles, the importation of which is prohibited by section 4956, Revised Statutes, as amended by section 3 of the act of March 3, 1891, shall not be admitted to entry. Such books and articles, if imported *with* the previous consent of the proprietor of the copyright, shall be seized by the collector of customs, who will take the proper steps for the forfeiture of the goods to the United States under section 3082, Revised Statutes. 35

ART. 614. Copyrighted books and articles imported contrary to said prohibition and *without* the previous consent of the proprietor of the copyright, being primarily subject to forfeiture to the proprietor of the copyright, shall be detained by the collector, who shall forthwith notify such proprietor in order to ascertain whether or not he shall institute proceedings for the enforcement of his right to the forfeiture. 40

ART. 615. If the proprietor institute such proceedings and obtain a decree of forfeiture, the goods shall be delivered to him upon payment of the expenses incurred in the detention and storage, and the duties accrued thereon. If such proprietor shall fail to institute such proceedings within sixty days from date of notice, or shall declare in writing that he abandons his right to the forfeiture, then the collector shall proceed as in the case of articles imported with the previous consent of such proprietor. 50

NOTE 6—*Continued.*

- 1 ART. 616. Copyrighted articles, the importation of which is not prohibited, but which, by virtue of section 4965, Revised Statutes, as amended by section 8 of said act, are forfeited to the proprietor of the copyright when imported without his previous consent, and are moreover subject to the forfeiture of \$1 or \$10 per copy, as  
5 the case may be, one-half thereof to the said proprietor and the other half to the use of the United States, shall be taken possession of by the collector, who shall take the necessary steps for securing to the United States half of the sum so forfeited, and shall keep the goods in his possession until a decree of forfeiture is obtained, and the half of the sum so forfeited, as well as the duties and charges accrued, are paid;  
10 whereupon he shall deliver the goods to the proprietor of the copyright. Duties collected on prohibited copyrighted articles can not be refunded.

In case of failure to obtain a decree of forfeiture, the goods shall be admitted to entry.

*Joint regulations of the Treasury and Post-Office Departments.*

- 15 ART. 617. For the purpose of carrying into effect the provision in section 4965, Revised Statutes, as amended by the copyright acts of March 3, 1891, and March 2, 1895, which prohibits the importation of musical compositions duly copyrighted thereunder, and under the authority conferred by section 4958, Revised Statutes, as amended, which provides that "the Secretary [of the Treasury] and Postmaster-  
20 General are hereby empowered and required to make and enforce such rules and regulations as shall prevent the importation into the United States, except upon the conditions above specified, of all articles prohibited by this act," the following regulations are promulgated for the government of the officers of the customs and of the postal service, viz:  
25 ART. 618. Inasmuch as under paragraph 403, act of July 24, 1897, music in books or sheets, except in certain specified cases, is liable to customs duty, postmasters are instructed to carefully examine the mails from foreign countries and to forward all musical publications found therein to the nearest customs officer. Customs officers are instructed to keep a close watch for matter imported through the usual channels  
30 in violation of the copyright act.

- ART. 619. Upon the receipt of such matter from postmasters or in the usual channels, customs officers will proceed to collect, in the regular manner, the duty on all such matter as is properly admissible, and shall hold all music in books or sheets imported in violation of any copyright of the United States, and notify by mail the  
35 owner of the copyright and the owner, importer, or consignee of the prohibited articles, or the person to whom addressed.

- ART. 620. If within three months from the mailing of the notice the owner of the copyright shall not institute proceedings for forfeiture of such articles under the provisions of section 4965, Revised Statutes, as amended by the act of March 2, 1895  
40 (28 Stat., 965), or the owner or importer of the prohibited articles, or the person to whom addressed, shall not appear and show cause to the contrary, the customs officer is directed to burn or otherwise destroy the prohibited articles.

- In "Customs Regulations of the United States Prescribed for the Instruction and Guidance of Officers of Customs. United States Treasury Department."  
45 8vo. Washington: Government Printing Office, 1900, pages 210, 211, 212.

(b) TREASURY DEPARTMENT DECISIONS AND OPINIONS OF THE ATTORNEYS-GENERAL.

Copyrighted books—"Ben Hur."

(15664.)

TREASURY DEPARTMENT, *February 28, 1895.*

- GENTLEMEN: The Department is in receipt of your letter of the 23d instant, further  
50 in regard to the importation of Canadian copies of the book entitled "Ben Hur," which you state was copyrighted on October 12, 1880.



NOTE 6—*Continued.*

The case cited by you and stated in a newspaper clipping attached to your letter involves the right of a passenger on a railroad train to bring into the United States a copy of said book purchased for his own use, and you ask that instructions may be issued to collectors to refuse admission to such books. 1

By reference to section 3 of the copyright act of March 3, 1891, you will observe that two copies of copyrighted books, etc., purchased by persons for their own use and not for sale, and imported subject to the duty thereon, are exempted from prohibition of importation. 5

The copies referred to by you are sold at 25 cents each, and the duty thereon at the rate of 25 per cent ad valorem would be 6¼ cents, which duty, under the provisions of article 1036, Customs Regulations of 1892, would be remitted by the collector. 10

The Department is therefore unable to grant your request.

Respectfully, yours,

CHARLES S. HAMLIN, *Acting Secretary.*

Messrs. HARPER & BROS.,

*Franklin Square, New York.*

15

(In "Decisions under the tariff and navigation laws, etc., February, 1895." 8vo. Washington. Treas. Dept. Doc. No. 1759. p. 125.)

In "Synopsis of the Decisions of the Treasury Department. 1895." 8vo. Washington, Government Printing Office, 1896, p. 125. 20

COPYRIGHT ACT.

Section 3 of the copyright act of March 3, 1891 (26 Stat., 1106), prohibiting the importation into the United States of foreign editions of any book copyrighted in this country, is applicable to books copyrighted prior to the passage of the act; and the exceptions in the case of persons purchasing for use and not for sale, who import, subject to the duty thereon, not more than two copies of such book at any one time, is not limited in its application to the "authorized editions" of such book. 25

DEPARTMENT OF JUSTICE,

*April 19, 1895.* 30

SIR: I have your letter of the 15th instant, inclosing a letter from Messrs. Harper & Bros., of February 15, 1895, with a copy of your reply thereto, dated February 28, 1895, and a further letter from said firm, dated March 2, 1895, and the opinion of the Solicitor of the Treasury as to the application of section 7 of the copyright act of March 3, 1891, to books copyrighted before said act went into effect. 35

You ask my opinion "as to whether section 3 of said act is applicable to books copyrighted prior to the passage of said act; and if so, whether the exception therein of two copies of copyrighted books is limited to what are known as 'authorized editions,' as claimed by Messrs. Harper & Bros."

The act of March 3, 1891 (26 Stat., 1106), is entitled "An act to amend title 60, chapter 3, of the Revised Statutes of the United States, relating to copyrights."

It will be observed as to this act, that although entitled "An act to amend title 60, chapter 3," yet, in fact, it amends only certain specific enumerated sections of that chapter.

It will be observed, further, that it does not repeal the then existing statutes on the subject, but that the amendments consist solely in the addition of new provisions. 45

The rule of construction, as stated in Sutherland on Statutory Construction, section 133, is as follows:

The portions of the amended sections, which are merely copied without changes, are not to be considered as repealed and again enacted, but to have been the law all 50

NOTE 6—*Continued.*

1 along; and the new parts, or the changed portions, are not to be taken to have been the law at any time prior to the passage of the amended act. The change takes effect, prospectively, according to the general rule.

And in Endlich on the Interpretation of Statutes, section 195:

5 An amendment of a statute may or may not operate as an implied repeal of the original law. If it does not change the same, but merely adds something to it, it is not, in general, a repeal thereof.

The act of March 3, 1891, was intended, as is well known, to protect domestic authors against foreign infringements of their copyrights. And, as appears by section 10 13 of that act, it invited reciprocity in this matter from foreign Governments.

Section 2 is an amendment of section 4956, Revised Statutes. It does not operate to repeal any provision of section 4956, but amends it only "by adding something new." It provides for the deposit in the mail or the delivery at the office of the Librarian of Congress of a printed copy of the title of the work produced, and also 15 two copies of such work; with the proviso, however, that "during the existence of such copyright the importation into the United States of any book \* \* \* copyrighted, or any edition or editions thereof, \* \* \* shall be and is hereby prohibited."

Does this apply only to such books as shall have been copyrighted since March 3, 20 1891? I think not. It secures to the owner of the copyright of every book which shall have been copyrighted in accordance with the requirements of this statute, whether before or after its passage, protection against the sale in this country of foreign publications of his book by prohibiting the importation of such foreign publications. The act is prospective only as to this new security which it affords to the 25 owner of the copyright, and is not prospective as to the books to which that security applies.

He can not claim indemnity for losses sustained by reason of such importation and sale prior to the passage of the act; but while his copyright continues, whether it was acquired before or since March 3, 1891, the benefit of the act extends to him.

30 Neither the letter, the spirit, nor the reason of the act confines the application of the protection it affords to those books that have been copyrighted since its passage.

Tariff laws are prospective. But an amended statute which places on the free list certain articles theretofore subject to duty is not limited in its application to those articles of that class which have been produced or manufactured since the passage of 35 the amendatory act.

To this proviso there is an exception as follows:

And except in the case of persons purchasing for use and not for sale, who import, subject to the duty thereon, not more than two copies of such work at any one time.

Does this refer to two copies of an "authorized edition" of such book?

40 The statute certainly does not say so, and the proviso to which this exception is made provides that "during the existence of such copyright the importation into the United States of *any* book so copyrighted is hereby prohibited."

I am unable to see on what ground it can be claimed that the exception refers to those books only the foreign publication of which has been authorized by the owner 45 of the copyright.

I am therefore of the opinion—

1. That section 3 of the act of March 3, 1891, applies as well to books which have been copyrighted before as to those which have been copyrighted since the passage of the act.
- 50 2. That the exceptions in the case of persons purchasing for use and not for sale, who import, subject to the duty thereon, not more than two copies of such book at

NOTE 6—*Continued.*

any one time, is not limited in its application to the "authorized editions" of such 1 book.

I herewith return the inclosures accompanying your letter.

Very respectfully,

HOLMES CONRAD, *Solicitor-General.* 5

Approved:

RICHARD OLNEY.

The SECRETARY OF THE TREASURY.

(In "Official Opinions of the Attorneys-General of the United States. Edited by E. C. Brandenburg." Vol. 21, 8vo. Washington, Government Printing Office, 1898, pp. 159-162.)

Also in "Synopsis of the Decisions of the Treasury Department, 1895." 8vo. Washington, Government Printing Office, 1896, pp. 446-498.

Copyrighted Books—"Ben Hur."

(16046)

TREASURY DEPARTMENT, *May 14, 1895.* 15

GENTLEMEN: The Department is in receipt of your letter of March 2 last, further in regard to the importation of copies of the book entitled "Ben Hur," which was copyrighted for the United States on October 12, 1880.

You state that the copies are unauthorized or pirated copies, published in Canada, and that you are advised and understand that section 3 of the Copyright Act of 20 March 3, 1891, does not relate to books published in violation of the author's copyright, but that said section was made a part of the Copyright Act for the purpose of preventing the importation of books published with the consent of the author in foreign countries, except that books so published might be imported for use and not for sale, to the extent of not more than two copies, as in that section provided, and 25 that the importation of a book published without the consent of the author in a foreign country is an infringement of the copyright, and subjects such books to forfeiture under section 7 of said act.

The questions involved have been submitted to the Attorney-General, and the Solicitor-General, under date of the 19th ultimo, advises the Department that the 30 provision in section 3 of the act of March 3, 1891, which prohibits the importation of any book copyrighted or any edition or editions thereof is equally applicable to books copyrighted before or after the passage of said act; that the proviso in said section which allows the importation of two copies of copyrighted books by persons purchasing for use and not for sale is also applicable to such books, and that the proviso is 35 not limited in its application to the "authorized editions" of such books.

The Department, in view of this opinion, sees no reason for revoking its decision of February 28 last.

Respectfully yours,

C. S. HAMLIN,  
*Acting Secretary.* 40

MESSRS. HARPER & BROS.,

*Franklin Square, New York.*

[For copy of opinion above referred to see above pp. 121-123.]

In "Synopsis of the Decisions of the Treasury Department and Board of U. S. General Appraisers on the Construction of the Tariff, Navigation, and other 45 laws, 1895." 8vo. Washington, Government Printing Office, 1896, pp. 495-498.

UNAUTHORIZED EDITIONS OF BOOKS COPYRIGHTED IN THE UNITED STATES CAN NOT BE IMPORTED FOR SALE.

(16739.)

TREASURY DEPARTMENT, *February 3, 1896.*

SIR: The Department duly received your letter of the 15th ultimo, inclosing a 50 statement from the American Copyright League and the American Publishers'

NOTE 6—*Continued.*

- 1 Copyright League, in which they request a review of the Department's decision, Synopsis 16046, dated May 14, 1895, "That the exception in the case of persons purchasing for use and not for sale, who import, subject to the duty thereon, not more than two copies of such book at any one time, is not limited in its application to the  
5 'authorized editions' of such book."

The above-mentioned statement proceeds on the assumption that said decision authorized the importation generally of so-called unauthorized editions of books copyrighted in the United States, but this assumption is manifestly erroneous, inas-  
10 much as said decision applies only to books imported into the United States by persons for their own use, and not for sale.

The decision was based upon an opinion of the Attorney-General, dated April 19, 1895, as to the proper construction of the law, and the Department is, therefore, unable to reconsider it.

The importation of such books for sale is illegal, and the remedy of the owners of  
15 the copyright in this country is set forth fully in section 7 of the act of March 3, 1891.

Respectfully, yours,

CHARLES S. HAMLIN,  
*Assistant Secretary.*

20 Mr. R. U. JOHNSON,  
*Secretary American Copyright League, New York, N. Y.*

In "Decisions under the tariff, immigration, and navigation laws, etc., February, 1896." Treasury Department Document No. 1845. 8vo. Washington. p. 66.

25 In "Synopsis of the Decisions of the Treasury Department, 1896." 8vo Washington, Government Printing Office, 1897, p. 66.

#### IMPORTATION OF CHROMOS—STATUTORY CONSTRUCTION.

The importation of foreign-made chromos, which are copies of a foreign painting that has been copyrighted, but which are not themselves copyrighted, but are  
30 protected only by the copyright of the original painting, is not prohibited by an act of Congress providing the manner of obtaining a copyright for chromos, and forbidding, during the existence of such copyright, the importation into the United States of any chromos so copyrighted.

Where the language of an act of Congress is ambiguous, the probable intention of the individual Members of Congress would be sought as a guide to construction,  
35 but a clear omission from the statute can not be supplied upon any consideration of supposed oversight, inconsistency, or hardship.

DEPARTMENT OF JUSTICE,  
*October 3, 1896.*

SIR: Certain foreign-made chromos which are copies of a foreign painting are  
40 being imported. The painting has been copyrighted under sections 4952 and 4956 of the Revised Statutes, as amended by the act of March 3, 1891, chapter 565. You do not inform me whether or not the importation is a violation of the copyright; nor is this material to the question which has arisen in your Department.

These chromos are not made from drawings on stone made within the limits of the  
45 United States; and in your communication of September 15 you ask to be advised whether their importation is prohibited by the proviso to section 4956.

Under the enactments above referred to, by observing the proper formalities, not only may a painting be copyrighted but also a book, photograph, chromo, or litho-  
50 graph. It is not, however, profitable to copyright a chromo or other lithograph representing a copyrighted painting; for the copyright of the painting protects all copies

NOTE 6—*Continued.*

made by its owner or persons authorized by him, while copies made by anybody 1  
else, whether by lithography or otherwise, are illegal. Hence, chromos may be  
imported which are not themselves copyrighted, but are protected only by the copy-  
right of the original painting; and I understand from you that these chromos are of  
such a description.

To obtain a copyright for a painting under section 4956 a photograph thereof 5  
must be delivered to the Librarian of Congress, or else deposited in the mail within  
the United States addressed to him. To obtain a copyright for the chromo or litho-  
graph, two copies thereof must be so delivered or deposited; provided—and this is  
the proviso to which you refer—that “the two copies of the same required to be 10  
delivered or deposited as above shall be printed from \* \* \* drawings on stone  
made within the limits of the United States or from transfers made therefrom.”  
The proviso relates also to books and photographs, but not to paintings. It continues  
as follows:

During the existence of such copyright the importation into the United States of 15  
any book, chromo, lithograph, or photograph so copyrighted, or any edition or  
editions thereof, or any plates of the same not made from type set, negatives, or  
drawings on stone made within the limits of the United States, shall be, and it is  
hereby, prohibited.

This proviso clearly applies only to books, chromos, lithographs, or photographs, 20  
copyrighted as thereinbefore directed, namely, by delivering or depositing two  
copies with the Librarian of Congress. It can not, without violation of its language,  
be so read as to include in its application chromos or photographs protected merely  
by the copyright of the painting.

It is urged that the individual Members of the Congress which enacted the proviso 25  
intended to include all chromos protected by copyright, whether the copyright was  
granted for the chromo itself or for the painting of which it is a copy. Had they so  
intended it would have been easy to say so. Had their language been ambiguous  
their probable intent would have been sought for as a guide to construction. But  
their language is unambiguous, and to torture the clear language of Congress in order 30  
to fulfill a supposed intent of its individual members would be to legislate, not to  
construe the law. “A clear omission from a statute like this can not be supplied  
upon any considerations of supposed oversight, inconsistency, or hardship.” (21  
Opin., 292.)

I have therefore the honor to advise you that the importation of the chromos is 35  
not prohibited.

Very respectfully,

EDWARD B. WHITNEY,  
*Acting Attorney-General.*

The SECRETARY OF THE TREASURY.

From the “Official Opinions of the Attorneys-General of the United States. 40  
Ed. by E. C. Brandenburg.” Vol. 21. 8vo. Washington, Government Print-  
ing Office, 1898, pp. 416–418.

IMPORTATION OF CHROMOS WHICH ARE COPIES OF A COPYRIGHTED PAINTING NOT PRO-  
HIBITED BY PROVISIO OF SECTION 3 OF THE ACT OF MARCH 3, 1891.

(17454.)

TREASURY DEPARTMENT, *October 13, 1896.* 45

SIR: The Department duly received your letter of July 31 last, inclosing a commu-  
nication from Mr. A. Bell Malcomson, in regard to the importation of certain toy  
books, booklets, etc., containing chromo-lithographs of paintings which have been  
copyrighted under the provisions of the act of March 3, 1891.

The chromos which form the cover, and in some cases the illustrations of the 50  
books, have not been copyrighted as chromos, under said act, but Mr. Malcomson

NOTE 6—*Continued.*

1 claims that, as they are protected by the copyright on the original painting, their importation is prohibited by the proviso in section 3 of the act which prescribes that "during the existence of such copyright the importation into the United States of any book, chromo, lithograph, or photograph so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set, negatives, or drawings on stone made within the limits of the United States, shall be, and it is hereby, prohibited."

The question involved has been submitted to the Solicitor of the Treasury and to the Attorney-General, and those officers concur in the opinion that the importation of 10 of chromos which are copies of a copyrighted painting is not prohibited by said proviso.

You will therefore be governed accordingly.

Respectfully, yours,

CHARLES S. HAMLIN,  
*Acting Secretary.*

15 COLLECTOR OF CUSTOMS, *New York, N. Y.*

In "Decisions under the tariff, immigration, and navigation laws, etc., October, 1896." Treasury Department Document No. 1906. 8vo. Washington. p. 773.

In "Synopsis of the Decisions of the Treasury Department, 1896." 8vo. 20 Washington, Government Printing Office, 1897, p. 773.

#### IMPORTATIONS OF COPYRIGHT ARTICLES.

The term "book," as construed by the courts under the copyright laws, includes a musical or other composition, though printed on but one sheet.

The importation of reprints of musical compositions copyrighted in the United States is prohibited.

25 The importation of music books copyrighted in the United States is prohibited.

Music books made up in part of musical compositions copyrighted in the United States are prohibited importation.

An article which is prohibited importation can not gain admission through being 30 attached to an article which is not prohibited.

Regulations for the forfeiture or destruction of imported prohibited articles may be so framed as to provide due process of law.

DEPARTMENT OF JUSTICE,  
*February 7, 1898.*

35 SIR: In your communication of November 27 you call my attention to the provisions of sections 4956, 4958, 4964, and 4965 of the Revised Statutes as amended by "An act to amend title sixty, chapter three, of the Revised Statutes, relating to copyrights," approved March 3, 1891 (26 Stat., 1106), and submit the following questions:

1. Are the reprints of musical compositions copyrighted in the United States prohibited importation?

40 2. Are music books prohibited importation in view of the special provision of the law prohibiting copyrighted books (presumably all kinds)?

3. Are music books made up in part of musical compositions copyrighted in the United States and in part of musical compositions not copyrighted, or which have 45 been protected by copyrights expired, such books as are prohibited importation?

4. Can musical compositions or music books, copyrighted and imported into the United States in contravention of law, be lawfully destroyed or forfeited without a decree by a court?

Section 4952, as amended by the act of March 3, 1891, provides that—

50 The author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph, or negative thereof, \* \* \* shall \* \* \* have the sole liberty of printing, reprinting, publishing, \* \* \* and vending the same.

NOTE 6—Continued.

The method of obtaining a copyright is prescribed by section 4956, as amended by this act. The first part of the section requires the author to deposit in the office of the Librarian of Congress a printed copy of the title and two copies of the book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, or chromo. The latter part of the section provides that "during the existence of such copyright, the importation into the United States of any book, chromo, lithograph, or photograph so copyrighted \* \* \* or any plates from the same not made from type set, negatives, or drawings on stone made within the limits of the United States" is prohibited. 1 5

Musical compositions are usually published by the lithographic process. The inferior grades are set from type, and occasionally reproduced by one of the numerous photographic processes. 10

A consideration of the entire act, its scope and purposes, leads to the conclusion that Congress intended to prohibit the importation of any of the enumerated copyrighted compositions when reprinted or reproduced by type set or by negatives or drawings on stone made outside of the United States. 15

The words "book, map, chart, dramatic or musical composition," etc., used in section 4952, and in the first part of section 4956, denote the intellectual composition; the words "book, chromo, lithograph, or photograph," used in the latter part of section 4956, the physical production. In the first part Congress had in mind the intellectual work to be protected by copyright; in the latter part the mechanical processes used to place such work in salable shape. 20

Under the copyright laws as construed by the courts, the term "book" includes a musical or other composition, though printed on but one sheet. (Clayton et al. v. Stone et al., 2 Paine, 383-391; Drury v. Ewing, 1 Bond, 540-545; Higgins v. Keuffel, 140 U. S., 428.) The reprint of a musical composition may be a "book" or "lithograph" or "photograph," according to the mechanical process used. The importation of copyrighted compositions reproduced by any of the processes mentioned in the concluding part of section 4956 is prohibited. 25

Your first and second questions must therefore be answered in the affirmative. 30

So, too, must the third question. Music books made up in part of musical compositions copyrighted in the United States are prohibited importation. A prohibited article can not gain admission through being attached to an article which is not prohibited. A book must be treated as an entirety, and if part of it can not be imported the whole must be excluded. 35

Your fourth and last question is submitted in view of the following stipulation contained in the existing convention between the United States and Canada, which bears date of January 19, 1888:

All registered articles, ordinary letters, postal cards, and other manuscript matter, business or commercial papers, books (bound or stitched), proofs of printing, engravings, photographs, drawings, maps, and other articles manifestly of value to the sender, which are not delivered from any cause, shall be reciprocally returned, monthly, without charge, through the central administrations of the two countries in special bags or sacks, marked "Rebuts," after the expiration of the period for their retention required by the laws or regulations of the country of destination. 40 45

The last paragraph of section 4958, as amended by section 4 of the act of March 3, 1891, provides:

The Secretary of the Treasury and the Postmaster-General are hereby empowered and required to make and enforce such rules and regulations as shall prevent the importation into the United States, save upon the conditions above specified, of all articles prohibited by this act. 50

The Solicitor of the Treasury, in response to an inquiry from the Secretary of the Treasury, has expressed the opinion that the Secretary of the Treasury and the Post-

NOTE 6—*Continued.*

1 master-General have the authority, under this provision, to make rules and regulations for the destruction of music and music books imported into this country in violation of the copyright laws of the United States. From this view I am not prepared to dissent. The provision of the postal convention quoted certainly does not  
5 require the return to Canada of articles which shall become forfeited through a violation of the laws of the United States, and, in my opinion, rules and regulations for the forfeiture and, if deemed necessary, the destruction of prohibited articles may be so framed as to provide due process of law.

Very respectfully,

JOHN K. RICHARDS,  
*Solicitor-General.*

10 Approved.

JOHN W. GRIGGS.

The POSTMASTER-GENERAL.

15 In "Official Opinions of the Attorneys-General of the United States. Edited by E. C. Brandenburg." Vol. 22, 8vo. Washington, Government Printing Office, 1900, pp. 29-32.

#### INVALID IMPORTATIONS—DESTRUCTION.

When property is of trifling value and its destruction is necessary to effect the object of a valid law, it is within the power of the legislature to order its summary  
20 destruction without obtaining a forfeiture by judicial proceedings.

By section 4958, Revised Statutes, as amended by section 4 of the act of March 3, 1891, the Secretary of the Treasury and the Postmaster-General, in making and enforcing rules and regulations with reference to the importation of music and music books in violation of copyright laws, may provide for their summary  
25 destruction without notice.

If their nature and value demand a notice and hearing before destruction, the rules and regulations adopted may be framed to provide for the same.

DEPARTMENT OF JUSTICE,  
*May 6, 1898.*

30 SIR: The last paragraph of section 4958, as amended by section 4 of the act of March 3, 1891, relating to copyrights, provides:

The Secretary of the Treasury and the Postmaster-General are hereby empowered and required to make and enforce such rules and regulations as shall prevent the importation into the United States, save upon the conditions above specified, of all  
35 articles prohibited by this act.

In an opinion given the Postmaster-General on February 7, 1898, I stated I was not prepared to dissent from the view expressed by the Solicitor of the Treasury that, under this provision, the Secretary of the Treasury and the Postmaster-General have authority to make rules and regulations for the destruction of music and music  
40 books imported into this country in violation of the copyright laws of the United States; and, in this connection, used this language:

In my opinion rules and regulations for the forfeiture and, if deemed necessary, the destruction of prohibited articles, may be so framed as to provide due process of law.

45 The use of the phrase "due process of law" has led to the inquiry, in your communication of the 1st ultimo, whether the forfeiture and, if need be, the destruction of music and music books imported into this country in violation of our copyright laws, may be had "without first obtaining a decree of forfeiture by a court of competent jurisdiction."



NOTE 6—Continued.

The phrase "due process of law" does not necessarily mean by a judicial proceeding. (*McMillan v. Anderson*, 95 U. S., 37, 41.) It is not necessary in every instance to obtain a forfeiture by a judicial proceeding in order to destroy property illegally used. There are cases where property illegally used may be summarily destroyed. When the property involved is of trifling value and its destruction is necessary to effect the object of a valid law, it is within the power of the legislature to order its summary destruction. (*Lawton v. Steele*, 152 U. S., 133, 141.) To require a judicial proceeding to condemn a sheet of music or a music book, wrongfully imported and subject to forfeiture, would effectually prevent, in the case under consideration, the execution of the copyright laws. The expense of such a proceeding would largely exceed the value of the music or music books. The return of the music or music books to the foreign seller would afford him an inducement to violate the law again.

By the provision under consideration, the Secretary of the Treasury and the Postmaster-General are not only empowered but *required* to make and *enforce* such rules and regulations as shall prevent the importation of prohibited articles. To prevent effectually the importation of prohibited music and music books may require, under certain circumstances, their summary destruction without notice; and if their nature and value demand a notice and hearing before destruction, the rules and regulations to be adopted may be so framed as to provide for the same, and protect the interests of all parties concerned, without preventing or impeding the enforcement of the copyright law by putting the Government to the necessity of resorting in the first instance to the courts.

Respectfully,

JOHN K. RICHARDS,  
*Solicitor-General.* 25

Approved.

JOHN W. GRIGGS.

The SECRETARY OF THE TREASURY.

In "Official Opinions of the Attorneys-General of the United States. Edited by E. C. Brandenburg." Vol. 22, 8vo. Washington, Government Printing Office, 1900, pp. 70-71.

DISPOSITION OF MUSIC IMPORTED BY MAIL IN VIOLATION OF THE COPYRIGHT LAWS.

[Circular No. 114.]

(19514.)

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY, 35  
Washington, D. C., June 21, 1898.

To officers of the customs and others concerned:

The following joint regulations of the Treasury and Post-Office Departments are published for your information and guidance.

L. J. GAGE, *Secretary.* 40

[For text of Joint Regulations, see Art. 617-620, p. 120.]

In "Treasury Decisions. 1898." Vol. 1, 8vo. Washington, Government Printing Office, 1898, pp. 982-983.

IMPORTATION OF COPYRIGHTED BOOKS, ETC.

Printed sheets of books, etc., and electrotype or stereotype plates made from type set in a foreign country are prohibited importation into ports of the United States.

(20406.)

TREASURY DEPARTMENT, December 10, 1898.

GENTLEMEN: The Department is in receipt of your letter of the 7th instant, in which you inquire whether you have a right to import from England, either in

NOTE 6—*Continued.*

1 sheets or stereotyped or electrotyped plates, a book which is duly and legally copy-  
 5 righted in the United States, you being the owners of the copyright. You state that  
 a New York publishing house has offered to sell you the copyright of the book  
 referred to, and that you are inclined to buy it if you can legally import an English

In reply I have to inform you that the importation of such sheets and plates is  
 prohibited by section 4956, Revised Statutes, as amended, which provides that "dur-  
 ing the existence of such copyright the importation of any *book*, chromo, lithograph,  
 or photograph, so copyrighted, or any edition or editions thereof, *or any plates of*  
 10 *the same not made from type set*, negatives, or drawings on stone made within the  
 limits of the United States, shall be, and is hereby, prohibited."

Respectfully, yours,

W. B. HOWELL,  
*Assistant Secretary.*

Messrs. L. C. PAGE & Co., *Boston, Mass.*

15 In "Treasury Decisions. 1898." Vol. 2, 8vo. Washington, Government  
 Printing Office, 1899, p. 995.

## MUSIC IMPORTED BY MAIL IN VIOLATION OF COPYRIGHT LAWS.

[Circular No. 5.]

(20490.)

TREASURY DEPARTMENT, *January 4, 1899.*

20 *To collectors and other officers of the customs:*

You are hereby instructed to keep an accurate record showing the name and  
 address of addressee, titles of publications, name and address of sender, from whom  
 received, date of reception, and final disposition of all musical publications received  
 by mail and held by you for violation of the copyright laws, under the joint regu-  
 25 lations of the Treasury and Post-Office Departments (Synopsis 19514), and to report  
 same to the Department on the first day of each month, beginning on February 1  
 proximo.

W. B. HOWELL, *Assistant Secretary.*

30 In "Treasury Decisions. 1899." Vol. 1, 8vo. Washington, Government  
 Printing Office, 1899, p. 43.

## COPYRIGHTED BOOKS.

Books translated and printed exclusively in languages other than English are not  
 subject to the prohibition of section 3 of the copyright act of March 3, 1891, and  
 may be imported free of duty, notwithstanding the English editions are copy-  
 35 righted in the United States.

(21003.)

TREASURY DEPARTMENT, *April 13, 1899.*

GENTLEMEN: The Department is in receipt of your letter of the 7th instant, in which  
 you state that you are the proprietors of the copyright and publishers of *In His Steps*,  
 by C. M. Sheldon, and that, as the book was not copyrighted abroad, translations  
 40 are being published in various countries. You desire to be informed whether you  
 can import the translated books exclusively, or, if you import them, will the same  
 privilege be granted to others, and whether the translations can be imported for sale  
 without your consent.

In reply I have to inform you that section 3 of the copyright act of March 3, 1891,  
 45 provides, in part, that no person shall be entitled to a copyright unless he shall, not  
 later than the day of publication, deliver at the office of the Librarian of Congress,  
 at Washington, D. C., two copies of such copyrighted book "printed from type set  
 within the limits of the United States or from plates made therefrom," and that,  
 "during the existence of such copyright, the importation into the United States of  
 50 any book \* \* \* so copyrighted or any edition or editions thereof, or any plates

NOTE 6—*Continued.*

of the same, not made from type set within the limits of the United States, shall be, 1  
and it is hereby, prohibited." Said section, however, excepts from the prohibition,  
among other things, "books and pamphlets printed exclusively in languages other  
than English." If the books which you propose to import are printed exclusively  
in languages other than English, they may be imported by yourselves, or anyone 5  
else, free of duty.

Your attention is invited to paragraphs 500 to 504, inclusive, of the tariff act of 1897.

Respectfully, yours,

O. L. SPAULDING,

*Acting Secretary.* 10

The ADVANCE PUBLISHING COMPANY, *Chicago, Ill.*

In "Treasury Decisions. 1899." Vol. 1, 8vo. Washington, Government  
Printing Office, 1899, p. 781.

#### COPYRIGHTED MUSIC.

Importation of musical compositions not subject to the prohibition of section 3 of the 15  
copyright act of March 3, 1891.

(21012.)

TREASURY DEPARTMENT, *April 17, 1899.*

SIR: The Department is in receipt of your letter of the 3d instant, further in rela-  
tion to the application of Messrs. Fisher & Bros. for the delivery of certain volumes  
of a musical work or composition bound in covers, copyrighted in this country and 20  
printed abroad from stone in a language other than English.

It appears that the musical work or composition was imported per *Gera* from Bre-  
men in February last, and has since been detained by you pending the consideration  
of the question as to whether the importation is within the prohibition of section 3  
of the copyright law of March 3, 1891. 25

The applicants claim that the music consists of an entire composition for four voices,  
and is not lithographed, but produced by a process of engraving on metallic plates.

The Department, after a careful investigation, held, on March 24 last, that the arti-  
cle was a lithograph, and as such was subject to the prohibition of said section 3, but  
in your letter of the 3d instant you invite the attention of the Department to a deci- 30  
sion, dated August 1, 1894, of the United States circuit court for the district of Massa-  
chusetts, in the case of *Littleton et al v. Oliver Ditson Company*, reported in *Federal*  
*Reporter*, volume 62, pages 597-599. The facts in the case considered by the court  
were that the applicants, subjects of Great Britain and publishers of music, had copy-  
righted three musical compositions, two of which were in the form of sheet music, 35  
and one (a cantata) consisted of 90 pages of music bound together in book form and  
with a paper cover, and the inquiry was whether a musical composition is a book or lith-  
ograph within the meaning of the proviso in section 3 of the act, which declares that  
in the case of a "book, photograph, chromo, or lithograph," the two copies required  
to be deposited with the Librarian of Congress shall be manufactured in this country. 40  
After reciting the provisions of the copyright law applicable to the case, Judge Colt.  
stated that—

From the language of these provisions it seems clear that "book" was not intended  
to include "musical composition." In the section which enumerates the things  
which may be copyrighted "musical composition" is mentioned as something dif- 45  
ferent from "book," and we find this same distinction twice observed in the preced-  
ing part of the section which contains the proviso. It is as reasonable to suppose  
that "book" and "musical composition" were as much intended to refer to different  
subjects as "map, chart, engraving," and other enumerated articles. If Congress,  
in the proviso, had intended to include a musical composition among those copy- 50  
righted things which must be manufactured in this country, it should have incor-  
porated it in the list of things subject to this restriction. The omission in the

NOTE 6—*Continued.*

1 proviso of "musical composition," as well as of "map, chart, engraving," and other things before enumerated, is very significant as indicating that Congress never intended to extend this proviso to any of those articles. And so with respect to "lithograph," if Congress had intended to cover by that word a musical composition made by the lithographic process it should have expressed its meaning in clear and unambiguous terms, in view of the language used in other portions of the statute.

In conclusion, the court stated that the natural reading of the statute, the intent of Congress, and the rules which govern the construction of statute law show that musical compositions are intended to be excluded from the operation of the proviso.

10 While the Department is of the opinion that music and musical compositions are largely if not exclusively produced either from electrotype plates or from stone by lithographic process (not directly from drawings on stone), yet, in view of the decision of the circuit court above referred to, the process is immaterial, for, as musical compositions, they are not included within the prohibition of the proviso to said section 3. You are, therefore, hereby authorized to permit delivery of the music under detention to the importers.

Respectfully, yours,

O. L. SPAULDING,  
*Acting Secretary.*

COLLECTOR OF CUSTOMS, *New York, N. Y.*

20 In "Treasury Decisions. 1899." Vol. I, 8vo. Washington, Government Printing Office, 1899, pp. 792-794.

#### COPYRIGHTED BOOKS.

Prohibition of importation found in section 3 of the copyright act does not apply to translations into foreign languages of books printed in English and copyrighted in the United States.

(21018.)

TREASURY DEPARTMENT, *April 18, 1899.*

GENTLEMEN: Referring to your letter of the 15th instant, further in relation to the importation of translations into foreign languages of a book printed in English and copyrighted in this country, I have to inform you that Department's letter, addressed to you under date of the 13th instant, relates solely to the importation of the books, and had no reference to the infringement of copyright.

You will observe that one of the provisos to section 4956, Revised Statutes, reads "that in the case of books in foreign languages of which only translations in English are copyrighted the prohibition of importation shall apply only to the translation of the same and the importation of the books in the original language shall be permitted." So, *e converso*, the translations into foreign languages of books printed in English are exempted from the prohibition of said section 4956. If such books are imported in violation of your copyright, your remedy lies in section 4964, Revised Statutes.

40 Respectfully, yours,

O. L. SPAULDING,  
*Assistant Secretary.*

The ADVANCE PUBLISHING COMPANY, *Chicago, Ill.*

In "Treasury Decisions. 1899." Vol. I, 8vo. Washington, Government Printing Office, 1899, pp. 798-799.

45

#### COPYRIGHTED BOOKS.

Copyrighted books printed in Europe from plates made from type set within the limits of the United States are not subject to prohibition of importation.

(21090.)

TREASURY DEPARTMENT, *May 4, 1899.*

GENTLEMEN: Replying to your letter of the 29th ultimo, I have to inform you that copyrighted books printed in Europe from plates made from type set within the limits

NOTE 6—*Continued.*

of the United States are not subject to the prohibition of importation in section 3 of 1  
the copyright act of March 3, 1891.

Respectfully, yours,

O. L. SPAULDING,  
*Acting Secretary.*

Messrs. EDWARD SCHUBERTH & Co., *New York, N. Y.*

In "Treasury Decisions. 1899." Vol. 1, 8vo. Washington, Government  
Printing Office, 1899, p. 912.

5

OPINION OF THE ATTORNEY-GENERAL OF THE UNITED STATES, JANUARY 19, 1901,  
RELATING TO THE IMPORTATION OF ROSTAND'S "L'AIGLON."

"L'Aiglon," a book, though printed abroad in the French language, is, nevertheless, 10  
prohibited importation under the copyright laws for the reason that said book  
has been copyrighted in the United States.

(22751.)

TREASURY DEPARTMENT, *January 26, 1901.*

SIR: The Brentano's, of New York, have requested this Department to issue such  
instructions as may be deemed necessary to prevent the entry of the dramatic com- 15  
position or book, "L'Aiglon," printed abroad in the French language from type not  
set within the limits of the United States, nor from plates made therefrom.

It appears that copyright rights have been secured in the United States by E. Fas-  
quelle, who also publishes the book abroad; that he has assigned his rights in the  
United States to the Brentano's; that, notwithstanding this assignment, importation 20  
into the United States has been or will be made, and the Brentano's invoke this  
Department's authority under sections 4956 and 4963, Revised Statutes, as amended  
by the act of March 3, 1891.

The Department, in view of the apparent exception in said section 4956 from pro-  
hibition of importation of books printed exclusively in a foreign language, doubted 25  
its authority to comply with the Brentano's request, and consequently the question  
was presented to the Attorney-General for an expression of his views. In a letter  
dated the 19th instant, a copy of which is inclosed, the Attorney-General expresses  
the opinion that although "L'Aiglon" was copyrighted as a dramatic composition,  
the work is none the less a book, and, as such, is subject to prohibition, notwith- 30  
standing the fact that it is printed exclusively in a foreign language. This conclusion  
appears to have been reached through the final proviso in section 4956, which, in the  
opinion of the Attorney-General, makes clear the intention of Congress, viz, to per-  
mit the importation of a book in the foreign original language only when there is  
not an American copyright of the book in that language. Otherwise a book in a 35  
foreign language could not be effectively copyrighted in the United States, and the  
reciprocal privileges extended to citizens of France by the Executive proclamation  
of July 1, 1891, would be rendered nugatory. It will be observed also that the  
Attorney-General does not state that the holder of an American copyright on a work  
in French would be entitled to prevent the importation, say, of a Spanish or German 40  
version, nor that the prohibition of importation extends to books and music in raised  
print, used exclusively by the blind; books, engravings, maps, etc., more than twenty  
years old, or imported for the use of the United States, or of any educational, liter-  
ary, or religious institution, etc., or books forming part of the household effects of 45  
persons from foreign countries.

In view of the foregoing, you are instructed to prohibit entry of the book  
"L'Aiglon," imported in violation of the copyright rights of the Brentano's. You  
will understand that the prohibition does not extend to *bona fide* importations under  
paragraphs 500, 501, that portion of paragraph 502 relating to books and music in  
raised print, 503, and 504 of the tariff act of July 24, 1897.

50

Respectfully,

O. L. SPAULDING,  
*Assistant Secretary.*

COLLECTOR OF CUSTOMS, *New York, N. Y.*

NOTE 6—*Continued.*

1 IMPORTATION OF FOREIGN BOOKS COPYRIGHTED IN THE UNITED STATES.

The Secretary of the Treasury is authorized and it is his duty, under sections 4956 and 4958, Revised Statutes, as amended by the Act of March 3, 1891 (26 Stat., 1106), to refuse entry to importations of a book printed in the original French from type not set within the United States nor from plates made therefrom, where the copyright for the United States was secured by the Paris publisher and afterwards by him assigned to an American house.

A dramatic composition may be a book.

DEPARTMENT OF JUSTICE,

*Washington, D. C., January 19, 1901.*

10 SIR: Your letter of December 14, 1900, with its accompanying documents, advises me that you are requested by the house of Brentano's, New York, to issue the necessary instructions to prevent entry of Edmond Rostand's "L'Aiglon," printed abroad in the original French from type not set within the limits of the United States, nor  
15 from plates made therefrom. It appears that a copyright for the United States has been fully secured by the Paris publisher as proprietor, and that all rights thereunder have been duly assigned by him to Brentano's; that, nevertheless, importations of a Paris edition of the book, issued by the same publisher and bearing notice of copyright in the United States, have been made; and Brentano's invoke for their  
20 relief your authority under sections 4956 and 4963, Revised Statutes, as amended by the act of March 3, 1891 (26 Stat., 1106), or under section 11 of the tariff act of 1897 relating to trade-marks (30 Stat., 207). Thereupon you request my opinion on the question whether these importations are prohibited under the law. You do not state that the importations are limited in the number of copies per  
25 invoice, or in purpose or intended use, or with respect to the character of the persons, individual or corporate, for whom they may be made. I remark further, as patent on the face of the papers, that Brentano's edition also is in the French tongue and bears notice of American copyright, and that the two editions are identical in text and similar in general appearance and in cover and title-page particulars. It should  
30 be observed, however, that no simulation intended to deceive appears, nor is it suggested that the foreign publisher-proprietor (the assignor, as stated, of the United States copyright) has procured or connived at the obnoxious importations.

Section 4956, Revised Statutes, as amended by the "international copyright act," of 1891, *supra*, provides that—

35 \* \* \* during the existence of such copyright the importation into the United States of any book, etc., so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set \* \* \* within the limits of the United States, shall be, and it is hereby, prohibited, except in the cases specified in paragraphs 512 to 516, inclusive, in section 2 of the tariff act of 1890, and except in the  
40 case of an importation subject to duty of not more than two copies of such book at any one time, "for use and not for sale," etc.:

*Provided*, nevertheless, that in the case of books in foreign languages, of which *only* translations in English are copyrighted, the prohibition of importation shall apply only to the translation of the same, and the importation of the books in the original  
45 language shall be permitted.

The paragraphs cited from the tariff act of 1890 are contained in the free list of that act, and admit free of duty, with certain limitations, books, engravings, maps, etc., more than twenty years old, or imported for the use of the United States, or of any educational, literary, or religious institution, etc., or forming part of the household effects of persons from foreign countries, and (par. 513) "books and pamphlets  
50 printed exclusively in languages other than English" \* \* \* (26 Stat., 567, 604).

Thus it appears that the main question in this case simply is whether the freedom from duty granted on an importation of books printed exclusively in languages other

NOTE 6—*Continued.*

than English, under paragraph 513 of the tariff act of 1890, which is specified as one of the exceptions to the prohibitions of importation under the copyright law of 1891, shall operate so as to defeat the protection of copyright on a book in a foreign language. The question, however, requires more accurate delimitation. The rights of translation into English in this country and elsewhere are not now involved; they are presumably in other hands. Nor does it appear that the author or proprietor has made any disposition of the rights here or abroad in other languages foreign to France. I do not intend, therefore, to suggest by my formulation that the holder of an American copyright on a work in French would be entitled to prevent the importation, say, of a Spanish or German version, with both of which nations we have reciprocal copyright relations. Such a claim, however, would call up the scope and intent of the assignment of copyright and the unqualified and exclusive right which is given to authors and their assigns by section 4952, Revised Statutes, as amended by the act of 1891, "to dramatize and translate any of their works for which copyright shall have been obtained under the laws of the United States," as well as the possible effect of section 4956 and paragraph 513 in denying or limiting copyright protection against competing importations.

The question before us, therefore, must be strictly restrained, as follows: Whether, by force of the specified exception to the prohibition of importation in section 4956, an edition of a book written in French, printed exclusively in that language, and wholly made abroad, may be imported into this country, although the same literary composition is copyrighted in the same language under the laws of the United States and is wholly printed and made into a book in this country.

It must be remarked that under the reciprocity provisions of section 13 of the copyright law of 1891, the protection of the act was extended to citizens of France by Executive proclamation of July 1, 1891 (27 Stat., 981, 982). It must also be remarked that, although "L'Aiglon" was copyrighted in the United States as a "dramatic composition" (no doubt because the right of representation was expressly protected under that term by section 4952 as amended), the work is none the less a "book," and is clearly covered by that word as used in section 4956 and paragraph 513. While other language of the said section and the penal provisions of the law (sec. 4963, as finally amended by act of March 3, 1897, 29 Stat., p. 694), by omitting or including in different provisions the words "dramatic composition" with other associated terms, indicate that the change of phraseology was intentional, and that a "dramatic composition" is not necessarily a "book" (vide as to "Musical composition" *Littleton v. Ditson Company*, 62 Fed. Rep., 597; *Ditson Company v. Littleton*, 67 id., 905), I do not understand that the point has been raised in this case, and I have no difficulty in concluding that *this* "dramatic composition" at all events is a "book." Obviously it is such by all literary and mechanical tests, and not the less so because the record of copyright denominates it a "dramatic composition," and just as much so under the American copyright as in the foreign edition which is seeking free entry as a "book."

Furthermore, it necessarily appears that the two copies of the American "L'Aiglon" required to be deposited in the Library of Congress (sec. 4956) were printed from type set within the United States, which the act requires in the case of a "book," etc., but not apparently or expressly in the case of a "dramatic or musical composition" *inter alia* (see *Littleton v. Ditson Co.*, *ut supra*.)

Brentano's publication, then, being entitled as a book under the copyright to any protection which section 4956 may extend, we have to inquire whether the protection in a case like the present is real and effective or purely nugatory. Does the law take away with one hand what it gives with the other?

Copyright is essentially an *exclusive right*. It is so denominated in all the laws (act of May 31, 1790, 1 Stat., 124; act of February 3, 1831, 4 Stat., 436; act of July 8,

NOTE 6—*Continued.*

1 1870, 16 Stat., 198, 212; sec. 4954, Rev. Stat.). It is in effect defined in the statute itself  
(sec. 4952) as "the sole liberty of printing, reprinting, publishing, completing, copying,  
executing, finishing, and vending" a book, etc., "and, in the case of a dramatic com-  
position, of publicly performing or representing it or causing it to be performed or  
5 represented by others." "Copyright, under the statute, is the exclusive right to  
publish a literary or artistic work." (*Pierce and Bushnell Mfg. Co. v. Werckmeister*,  
72 Fed. Rep., 54.)

I think there can be no doubt that the main purpose of the recent amendments to  
the copyright laws was to extend to foreign authors and artists, upon assurance of  
10 reciprocal privileges being granted to us by foreign countries, the copyright protection  
which had previously been restricted to citizens and residents of the United States.  
The history of the legislation and of the long agitation on the subject conclusively  
shows this. (*Littleton v. Ditson*, 62 Fed. Rep., 597; Putnam on the Question of Copy-  
right [2d ed.], p. 33, citing Report of Henry Clay in 1837; pp. 40, 77, citing Report of  
15 House Committee on Patents in 1890; p. 148, quoting from speeches in the Senate  
debate of 1891, et passim.) A conjoint purpose was the protection of American  
labor, especially in the printing trade. (Putnam, ut supra, pp. 52, 78, etc.) The  
views of statesmen regarding a measure of legislation may properly be considered,  
and while their statements are not admissible to *control* the meaning of words in a  
20 law, nevertheless such statements are "valuable as contemporaneous opinions of  
jurists and statesmen upon the legal meaning of the words themselves." (*Wong*  
*Kim Ark v. United States*, 169 U. S., 649, 699; and see *Am. Net and Twine Co. v.*  
*Worthington*, 141 U. S., 468, 473-4.)

It is a cardinal rule in construing a law that the evil or defect to be remedied should  
25 be borne in mind, and that to effectuate the intention, supposed repugnancies should  
be reconciled if possible, ut res magis valeat quam pereat. Examining the subject,  
then, in the light of such facts and principles, it is evident to me that there is an  
essential difference between paragraph 513, as quoted, and the other paragraphs of  
the act of 1890 incorporated in section 4956, for in the latter paragraphs the exception  
30 to prohibition of importation rests upon liberal reasons of polity and involves a con-  
cession against exclusive rights both narrow in scope, and meritorious as encouraging  
enlightened learning or operating on special and restricted individual or corporate  
privileges. (Cf. the further exception in section 4956 of two copies of a book imported  
at any one time "for use and not for sale.") Whereas the former paragraph (513)  
35 passes beyond this region, and, if construed as to the copyright laws without qualifi-  
cation, demands the unrestricted free admission, for ordinary commercial purposes,  
as well as all other purposes, of all books printed in foreign languages, at least of all  
such books not obnoxious under provisions like section 2491, Revised Statutes, and  
section 11 of the tariff act of 1890. I can not believe that this is either the intention  
40 or the result of the law. Accordingly, I note that the final proviso of section 4956  
embraces the very point. Its language is:

*Provided, nevertheless, That in the case of books in foreign languages, of which*  
*only translations in English are copyrighted, the prohibition of importation shall*  
*apply only to the translation of the same, and the importation of the books in the*  
45 *original language shall be permitted.*

Now, unless this proviso contains the needed relief, it may indeed appear that a  
book in a foreign language can not be effectively copyrighted in this country. For,  
while an action for infringement would doubtless lie against foreign conflicting edi-  
tions, as well as domestic "pirated" editions, nevertheless, as to the former, prohi-  
50 bition of importation is the first and most complete protection. The above proviso,  
then, impresses me as operating directly (and perhaps exclusively) on the exception  
in paragraph 513. It is an exception to the exception, and leaves the prohibition  
untouched in the case provided. What is that case? I am not required to construe



NOTE 6—Continued.

the force of the proviso with respect to the other provisions of the tariff act embraced in the exceptions. As I have indicated, the circumstances and reasons moving to their incorporation may leave them untrammelled by the proviso. But as to paragraph 513, embracing as it does unlimited commercial importations, the proviso, in my opinion, was intended to withdraw, and clearly does withdraw, the allowance of importation of a book in the foreign, original language when there is an American copyright of the book in that language; for the phraseology permits the importation of books in the original language *only* when an English translation *alone* is copyrighted; "in the case of books in foreign languages, of which *only* translations in English are copyrighted." In the case before us, while an English translation also may be copyrighted, there is a valid copyright on the original French version.

I find nothing in the decisions or in the regulations or previous rulings of your Department expressing contrary views; hence I hold that you have authority under section 4956, as amended, to refuse entry to the importations in question; and I may add that you appear to be required, as well as empowered, to do so under section 4958, as amended (22 Op., 70). To hold otherwise, it seems to me, would be to strike down in large measure the protection to foreign authors, in consideration of which reciprocal protection is extended to our authors abroad, and to strike down to the same extent the protection to American labor, which certainly constituted the joint intent and the main purposes of the law.

This result renders it unnecessary to examine, in respect to these importations, the other grounds invoked by Brentano's for their protection, which refer to the misleading notice of copyright on the foreign edition and to the prohibition of importation in the penal provisions of section 4963, as finally amended, "when there is no existing copyright thereon in the United States;" and also refer to considerations analogous to the principles of copyright drawn from the law of trade-marks and unfair competition.

Very respectfully,

JOHN W. GRIGGS,  
*Attorney-General.*

THE SECRETARY OF THE TREASURY.

In "Treasury Decisions." Vol. 4, 8vo. Washington, Government Printing Office, 1902, pp. 93-94.

In "Official Opinions of the Attorneys-General of the United States." Vol. 23, 8vo. Washington, Government Printing Office, 1902, pp. 353-359.

OPINION OF THE ATTORNEY-GENERAL OF THE UNITED STATES, JANUARY 24, 1901, RELATING TO THE IMPORTATION OF LIDDELL AND SCOTT'S "GREEK-ENGLISH LEXICON."

COPYRIGHT.

Greek-English Lexicon, copyrighted in 1882, is not subject to the prohibitive provision of section 4956, Revised Statutes, as amended by section 3, act of March 3 [1891].

(22781.)

TREASURY DEPARTMENT, February 5, 1901.

SIR: The Department duly received your letter of November 23 last, transmitting the application of the American Book Company, of New York, for relief in the matter of an importation of Liddell and Scott's Greek-English Lexicon, under detention at the port of New York for a supposed violation of section 3 of the copyright act of March 3, 1891.

It appears that the work has passed through several editions since the year 1843, and from time to time has been revised, corrected, amended, augmented, and improved; that the seventh edition, of which this importation is a revision but not

NOTE 6—*Continued.*

- 1 wholly a reproduction, was issued in the year 1882, at which time the copyright accrued to Messrs. Harper & Bros., as appears from the notice on the back of the title-page of this or the eighth edition; that the copyright is now owned by the American Book Company, by assignment through the original proprietors, Messrs. Harper & Bros., and that the claim is raised by the applicants that inasmuch as the copyright was obtained under the law in operation prior to the present or so-called international copyright act of March 3, 1891, the prohibitive provision of section 3 of the latter act does not apply.
- 10 The matter was referred to the Attorney-General for an expression of his views on the subject, and I have now to transmit herewith a copy of his opinion, dated the 24th ultimo, from which you will observe that he holds that if the Harpers' copyright of 1882 on the seventh edition of the work was complete and legal, and was duly assigned to the present owners, the importation in question is not subject to the prohibitive provision of section 3 of the act of March 3, 1891, amending section 15 4956, Revised Statutes. You will be governed accordingly.

Respectfully,

O. L. SPAULDING, *Assistant Secretary.*

COLLECTOR OF CUSTOMS, NEW YORK, N. Y.

#### IMPORTATION OF COPYRIGHTED BOOKS PRINTED ABROAD.

- 20 The importation of books copyrighted in the United States prior to 1891, and subsequently printed abroad, is not prohibited by section 3 of the Act of March 3, 1891. (26 Stat., 1106, 1107.)
- The requirements and prohibitions of section 4956, as amended by said act, took effect in general prospectively, and do not embrace in their burdens (without regard to their benefits) a copyright obtained before March 3, 1891.
- 25 The new parts or the changed portions of an amended law, unless expressly applied, should not be held to diminish or injure vested rights under the earlier law. A law speaks from the date of its approval or from the future date fixed to take effect, except so far as it is in terms retrospective.
- 30 Section 4959, as amended by the Act of March 3, 1891, permits rather than requires a revised edition of a book by foreign authors theretofore published to be copyrighted.
- Opinion of April 19, 1895 (21 Opin., 159), distinguished and criticised.

DEPARTMENT OF JUSTICE,

35 Washington, D. C., January 24, 1901.

- SIR: I have the honor to acknowledge the receipt of your letter of December 15, 1900, which states that the American Book Company, of New York, has applied to you for relief in the matter of an importation of Liddell and Scott's Greek-English Lexicon, under detention at the port of New York for supposed violation of section 3 of the copyright act of March 3, 1891; that the copyright in the United States of the seventh edition of the work issued in 1882 was owned by Harper & Bros., of New York; that the copyright of the present or eighth edition is owned by the applicant under assignment from Harper & Bros.; and, calling my attention to an opinion of Solicitor-General Conrad (21 Op., 159), you request my opinion on the question whether the book, having been copyrighted in this country prior to the act of 1891, is subject to the prohibitive provision of section 3 of said act. You indicate that the importation consists of the folded and unstitched sheets constituting the parts of the copyrighted book, designed to be stitched and bound in volumes in this country as the eighth edition, but not made from type set within the limits of the United States.
- 50

NOTE 6—*Continued.*

Responding to your request, I have to say that this work, a standard authority of English scholarship, in passing through its several editions, has been revised, corrected, augmented, and improved with the cooperation especially of American-Greek scholars, and in the eighth English edition a short note to the preface, signed with the initials of Professor Liddell, and dated "Ascot, June, 1897," states that certain slight corrections and additions have been inserted in the text, the rest appearing in the addenda. 1 5

The copyright law previous to the "international copyright act" of 1891 (26 Stat., 1106), gave the benefit of copyright only to citizens of the United States or residents therein (Rev. Stat., sec. 4952). The law of 1891 extended the benefit reciprocally to foreign authors and artists, and also protected the printing industry in this country (Opinion of January 19, 1901). With these objects in view, section 3 of the act of 1891 (amending sec. 4956, Rev. Stat.), provided that the two copies of a copyrighted book required to be delivered or mailed to the Librarian of Congress shall be printed from type set within the limits of the United States, and contained the following prohibition: 10 15

During the existence of such copyright the importation into the United States of any book \* \* \* so copyrighted, or any edition \* \* \* thereof, or any plates of the same not made from type set \* \* \* within the limits of the United States, shall be, and it is hereby, prohibited. 20

The exceptions then specified are not material to this inquiry.

Thus it appears that the essential point to be determined is whether these provisions of the international copyright act apply to the copyright and the importation in question. I think not. A law speaks from the date of its approval, or from the future date fixed for it to take effect, except so far as it is in terms retrospective. The general rule is that a law is prospective in operation. (Sutherland on Statutory Construction, sec. 133, and auth. cit.; *Murray v. Gibson*, 15 How., 421; *Harvey v. Tyler*, 2 Wall., 328; *Twenty per cent cases*, 20 Wall., 179; *Auffmordt v. Rasin*, 102 U. S., 620; *Chew Heong v. United States*, 112 U. S., 536.) The copyright referred to in section 3 of the act of 1891 is "such copyright" on a book, etc., "so copyrighted," in the enlarged scope of the privilege and for the new purposes indicated, by perfecting the right through the requisite delivery or deposit inter alia, "not later than the day of publication in this or any foreign country." There can be no copyright by virtue of the act of 1891 where the two copies are not the production of domestic typesetting. This was not so under the previous law. It was only necessary to deliver within ten days from publication two copies of the work, without restriction as to the place of typesetting or printing (sec. 4956, Rev. Stat., previous to amendment). It is impossible to hold that a copyright obtained in 1882 should have conformed to the requirements of the present law, or, failing to do so, be held invalid and beyond protection now. Such considerations are necessarily persuasive to my mind that the act of 1891 looks to the future alone and not to the past as well, so far, at all events, as concerns the requirements imposed upon a copyright applicant or owner under the section we are discussing. Otherwise it is necessary to conclude that a copyright in 1882 is now void or less extensive than originally, because it did not or does not follow rules which the law did not impose until 1891. As you perceive, I am assuming, as conceded, that the Harpers' copyright of 1882 on the seventh edition of the work was complete and legal and was duly assigned to the present owners. 25 30 35 40 45

But it may be argued, nevertheless, that the right should be assimilated to the rules of the present law so far as possible, and that, granting the copyright to be valid, importations under the copyright should be prohibited unless made from type set within the United States. Here the right vested in Harpers' assignees may be 50

NOTE 6—*Continued.*

1 viewed as conflicting with the protection to domestic labor extended by the later law. I think, notwithstanding, that the rules of the earlier law must cover this copyright in all respects during its life, unless otherwise provided by additional legislation, for the status of a copyright then in existence with respect to the new policy (in  
5 copyright) of protection to American labor seems to have been a *casus omissus* in the act of 1891. We must keep clearly in view vested rights as well as the demands of a protective tariff or protective prohibitions of importation.

Again, it may be suggested that a new copyright should have been obtained under the act of 1891 for the eighth edition, issued in 1897, and not wholly a reproduction  
10 of the edition of 1882. But while the eighth edition contains some corrections and additions, these appear to be comparatively trifling in extent. Therefore, although the new matter may lie outside copyright protection (assuming the unlikely case of unauthorised reproduction of such portions of the work and an action for infringement), it does not seem to me that these slight additions amount to the "substantial  
15 changes" of section 4959 as amended by the act of 1891, which permits, rather than requires, a revised edition of a book by foreign authors, theretofore published, to be copyrighted. Indeed, that section implies that a new edition may not be copyrighted unless there are "substantial changes." So that the new matter seemingly does not require you to apply to the importation any other rules than those applica-  
20 ble to the said seventh edition under the law existing in 1882, when there was no prohibition of importation of sheets printed abroad from type not set within the United States. The maxim, "The law does not care for trifles," may be suggested in this connection, and to your practical determination would appear to be committed the question when in fact such corrections and addenda carry a new edition  
25 over the line of a substantial reproduction of the preceding edition.

I come now to Mr. Conrad's opinion (21 Op., 159). He held—

That section 3 of the act of March 3, 1891, applies as well to books which have been copyrighted before as to those which have been copyrighted since the passage of the act.

30 But this broad announcement must be understood to be restricted to the special case before Solicitor-General Conrad, which was presumably that of American owners of an American copyright, obtained before the act of 1891, on an American literary work, who were seeking, under the act of 1891, to prevent the importation of an unauthorized foreign edition, the remedy under the previous law being merely  
35 by way of forfeiture of the infringing copies and damages (sec. 4964, Rev. Stat., before amendment). Mr. Conrad's language is:

The act is prospective only as to this new security (the prohibition of importation) which it affords the owner of the copyright, and is not prospective as to the books to which that security applies. He can not claim indemnity for losses sustained by  
40 reason of such importation and sale prior to the passage of the act; but while his copyright continues, whether it was acquired before or since March 3, 1891, the benefit of the act extends to him.

In other words, Mr. Conrad holds that the act of 1891 protects copyrights obtained before its passage, subject to an exception or limitation which he specifies, and does  
45 not consider whether its corresponding burdens are or can be extended to such copyrights. I am not prepared to say that certain benefits may not accrue to anterior copyrights under any of the language of the act of 1891 or subsequent copyright enactments, even if the burdens residing in the present method of obtaining copyright do not attach. The language is occasionally general (see first sentence of sec.  
50 4966 as amended by act June 6, 1897, 29 Stat., 481); in other places it is restricted by the phrase "as provided in this act" and other such phrases (sec. 4964 as amended by the act of 1891, 26 Stat., 1109, and sec. 4965 as amended by act March 2, 1895, 28

NOTE 6—*Continued.*

Stat., 965), which are similar in effect to the expressions "such copyright" and "so copyrighted" noted above from the present section 4956. But it can hardly be doubted that the owner of an American copyright seeking to be relieved from the necessity of typesetting in this country, on the ground that his copyright was secured under a law which did not contain that requirement, can not be heard to complain if he is remitted to his sole remedy of forfeiture and damages under that law, and is denied the right to prevent importation of competing foreign editions under the very provisions of the later law from which he escapes. This suggestion unquestionably looks to the broad conclusion that such a copyright, relieved from the burdens of the present law, also takes no benefits thereby; but that general question is not before us, and, while I may suggest some doubts respecting Mr. Conrad's opinion, I am not compelled to overrule it, but merely to construe it as restricted to the case then submitted and as not controlling the present inquiry.

On the conclusion which I reach, that the requirements and prohibitions of section 4956 took effect in general prospectively, and do not embrace in their burdens (without regard to their benefits) a copyright obtained before March 3, 1891, I may cite one of the authorities quoted in the opinion in question, namely:

\* \* \* The new parts or the changed portions (of an amended law) are not to be taken to have been the law at any time prior to the passage of the amended act. The change takes effect prospectively according to the general rule. (Sutherland on Statutory Construction, sec. 133.)

Such new law, unless expressly applied, should not be held to diminish or injure rights vested under the earlier law.

I therefore answer your question by stating that the importation in question is not subject to the prohibitive provision of section 3 of the act of March 3, 1891, amending section 4956, Revised Statutes.

Very respectfully,

JOHN W. GRIGGS,

*Attorney-General.*

The SECRETARY OF THE TREASURY.

In "Treasury Decisions." Vol. 4, 8vo. Washington, Government Printing Office, 1902, pp. 139-142.

In "Official Opinions of the Attorneys-General of the United States. Vol. 23, 8vo. Washington, Government Printing Office, 1902, pp. 371-377.

#### COPYRIGHT.

Books printed in a foreign country from type set within the limits of the United States, or from plates made therefrom, are not liable to the prohibitive provisions of section 4956 of the Revised Statutes, as amended.

(24742.)

TREASURY DEPARTMENT, October 26, 1903.

SIR: The Department is in receipt of your letter of the 19th ultimo, wherein you state that Messrs. Edward Schuberth & Co., of New York, have submitted to you the question whether books copyrighted in the United States and printed abroad from plates made from type set in the United States are prohibited entry upon importation when bearing notice that they were so printed. You ask this Department to rule on the question, that you may reply to this and similar inquiries.

Section 3 of the act of March 3, 1891, amending section 4956 of the Revised Statutes, provides, among other things, that no person shall be entitled to a copyright unless he shall, on or before the date of publication, deliver at the office of the Librarian of Congress at Washington, or deposit in the mail within the United States addressed to the Librarian of Congress at Washington, two copies of such copyright book "printed from type set within the limits of the United States, or from plates made therefrom," and that during the existence of such copyright the importation into

NOTE 6—*Continued.*

- 1 the United States of any book so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set within the limits of the United States, is prohibited.

Here, it is understood, we have books "printed (abroad) from type set within the 5 limits of the United States, or from plates made therefrom," and which bear a notice to that effect. It will be observed that the statute does not provide that books shall be printed *in the United States*. It merely states that the article shall be produced from type set within the limits of the United States, or from plates made therefrom. Therefore, it is the view of this Department that if the statutory requirements relating to the procurement of the copyright are complied with, and the books are printed 10 from type set within the limits of the United States, or from plates made therefrom, the said books are not liable to the prohibitive provisions of section 4956 of the Revised Statutes, as amended.

Respectfully,

ROBERT B. ARMSTRONG,  
*Assistant Secretary.*

15

MR. THORVALD SOLBERG,  
*Register of Copyrights, Washington, D. C.*

In "Treasury Decisions." Vol. 6, 8vo. Washington, Government Printing Office, 1904, pp. 888-889.

- 20 NOTE 7. (*See page 62.*)

#### FORFEITURE IN CASE OF ILLEGAL IMPORTATION.

For forfeiture in case of illegal importation, see Revised Statutes, Title 34, Collection of Duties, section 3082, as follows:

- 25 SEC. 3082. If any person shall fraudulently or knowingly import or bring into the United States, or assist in so doing, any merchandise, contrary to law, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported contrary to law, such merchandise shall be forfeited and the offender shall 30 be fined in any sum not exceeding five thousand dollars nor less than fifty dollars, or be imprisoned for any time not exceeding two years, or both. Whenever, on trial for a violation of this section, the defendant is shown to have or to have had possession of such goods, such possession shall be deemed evidence sufficient to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury. (Rev. Stat., 1878, pp. 591-592.)

- 35 NOTE 8. (*See page 70.*)

#### IMPORTATION UNDER THE INTERIM COPYRIGHT ACT OF JANUARY 7, 1904.

##### COPYRIGHT.

- 40 The Act of January 7, 1904, granting temporary copyright protection to exhibitors of foreign literary, artistic, or musical works at the Louisiana Purchase Exposition, also suspends operation of all statutes inconsistent with said act during the period of the temporary copyright protection therein enacted.

*Opinion of Leslie M. Shaw, Secretary of the Treasury.*

(25097.)

TREASURY DEPARTMENT, *March 12, 1904.*

- 45 SIR: I have the honor to acknowledge the receipt of your letter of the 17th ultimo, inclosing copy of a communication addressed to you by the German ambassador, inquiring whether the act approved January 7, 1904, for the protection of foreign literary, artistic, or musical works exhibited at the Louisiana Purchase Exposition, also removes the interdiction of importation of those articles. You request an expression of my views on the subject.

NOTE 8—*Continued.*

The act referred to is entitled "An Act to afford protection to exhibitors of foreign literary, artistic, or musical works at the Louisiana Purchase Exposition," and grants to the author of any book, map, chart, dramatic composition, musical composition, engraving, cut, print, chromo, lithograph, or photograph, published abroad prior to November 30, 1904, but not registered for copyright protection in the United States, and intended for exhibition at the Louisiana Purchase Exposition, or the heirs and assigns of such author, the sole liberty of printing, reprinting, publishing, copying, and vending the same within the limits of the United States for the term of two years from the date of the receipt of the book or other article in the Copyright Office at Washington.

The act further provides that if at any time during the term of copyright protection therein granted, two copies of the original text of any such book, or of a translation of it in the English language, printed from type set within the limits of the United States, or from plates made therefrom, or two copies of any such photograph, chromo, or lithograph printed from negatives or drawings on stone made within the limits of the United States or from transfers made therefrom, are deposited in the Copyright Office at Washington, such deposit shall be held to extend the term of copyright protection to such book, photograph, chromo, or lithograph for the full terms provided for in title 60, chapter 3, of the Revised Statutes, computed from the date of the receipt of the article at the Copyright Office.

In the case of an original work of the fine arts (a painting, drawing, statue, statuary, and a model or design intended to be perfected as a work of the fine arts), which has been produced without the limits of the United States prior to the 30th day of November, 1904, and is intended for exhibition at the Louisiana Purchase Exposition, the act grants to the author, or his heirs and assigns, copyright protection therefor during a period of two years from the date of filing in the Copyright Office of a description of the said work of art and a photograph of it.

Except in so far as it authorizes and provides for temporary copyright protection during the period and for the purposes provided therein, the act is not to be construed or held to in any manner affect or repeal any of the provisions of the Revised Statutes relating to copyrights and the acts amendatory thereof," and no registration under the act shall be made after the 30th day of November, 1904.

Under the provisions of section 4956 of the Revised Statutes, as amended by the act of March 3, 1891, it is necessary, in order to obtain a valid copyright in the United States for a book, chromo, lithograph, or photograph, that the article or articles deposited with the Librarian of Congress shall be produced or manufactured in this country, and during the existence of such copyright the importation is prohibited of any book, chromo, lithograph, or photograph, so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set, negatives, or drawings on stone made within the limits of the United States.

Section 4963 of the Revised Statutes, as amended by the act of March 3, 1897, prohibits importation into the United States of any article, whether subject to copyright or otherwise, bearing the statutory notice of copyright, which has not been copyrighted in this country.

The main question in the case is whether the prohibition in section 4956, as amended, operates so as to defeat the protection of copyright granted by the act approved January 7, 1904. There can be no question with reference to the prohibition in section 4963 of the Revised Statutes, as amended, regarding false notice of copyright, as the proprietor of the copyright, for self-protection, would have a perfect right to insert or impress abroad a notice of copyright in or upon the copyrighted article; not the statutory notice alone, but, in addition, words showing the act under which the protection is granted.

NOTE 8—*Continued.*

1 The protection afforded an author, his heirs and assigns, by the act of January 7, 1904, is "the sole liberty of printing, reprinting, publishing, copying, and vending" the copyrighted article "within the limits of the United States" for the term provided for in said act. This language is plain and unambiguous, and there would be  
 5 no occasion for the inquiry of the German ambassador but for the further provision in the act that, except in so far as it authorizes and provides for temporary copyright protection, it shall not be construed or held to in any manner affect or repeal any of the provisions of the statutes relating to copyrights. Therefore, construction becomes necessary in order to determine whether there are inconsistencies between this latter  
 10 and former statutes respecting importations, and, being in *pari materia*, they are to be construed together.

The cardinal rule of all statutory construction is that the meaning and intention of the legislature are to be sought for, and supposed repugnances must be reconciled, if possible, to effectuate that meaning and intention. We then proceed to determine  
 15 what is meant by the term "copyright protection." The statute itself (act of January 7, 1904) defines it as "the sole liberty of printing, reprinting, publishing, copying, and vending" the copyrighted article, and it is so denominated in all the laws. "Copyright under the statutes is an exclusive right to publish a literary or artistic work." *Pierce & Bushnell Manufacturing Company v. Werckmeister* (72 Fed. Rep.,  
 20 54). Copyright protection, then, is the exclusive right to produce, reproduce, and vend the copyrighted article. But, while the latter statute grants copyright protection in the United States on books, chromos, lithographs, and photographs produced or manufactured abroad, there exists a prior statute (section 4956, *supra*) which requires the production or manufacture of the articles in the United States as a con-  
 25 dition precedent to obtaining a valid copyright, and which also prohibits importation of such articles not so produced or manufactured. Does the later act suspend operation of section 4956 (*ante*) with respect to importation during the temporary copyright protection, or is the provision in said act, to the effect that former statutes relating to copyrights are not repealed or affected, to operate so as to deprive the  
 30 proprietor of the copyright of the very essence of the protection granted, viz, free and unhampered importations? Is it within the spirit and reason of the law that the rights granted thereby shall by a further provision in the same law be rendered, in effect, null and void? Such a course would be an absurdity, and it is a rule of construction that it is to be presumed the legislature does not intend an absurdity,  
 35 or that absurd consequences shall flow from its enactments. The mind of the legislature is presumed to be consistent and every statute is understood to contain, by implication, if not by its express terms, all such provisions as may be necessary to effectuate its object and purpose, or to make effective the rights which it grants.

Examining the subject, then, in the light of such facts and principles, it is evident  
 40 to me that it was the intention of the Congress to suspend the operation of all statutes (including section 4956, as amended) inconsistent with the act of January 7, 1904, during the period of the temporary copyright protection therein granted.

The inquiry of the German ambassador is, therefore, answered in the affirmative.

Respectfully,

45

THE SECRETARY OF STATE.

LESLIE M. SHAW, *Secretary.*

From "Treasury Decisions." Vol. 7, 8vo. Washington, Government Printing Office, 1904, pp. 407-410.

*Memorandum from the Register of Copyrights to the Librarian of Congress.*

50

COPYRIGHT OFFICE, *March 19, 1904.*

The Assistant Secretary of State transmits an inquiry from the German ambassador as to whether the act of January 7, 1904, to afford protection to exhibitors of foreign



NOTE 8—*Continued.*

literary, artistic, or musical works at the Louisiana Purchase Exposition "also 1  
removes the interdiction of importation," and whether under this act such works  
may be imported into the United States during the interim term of protection, of  
two years from the date of registration in the Copyright Office.

The question of importation under the copyright laws must be concerned either 5  
with (a) the importation of copies of the authorized editions of the works claiming  
copyright protection; or (b) the importation of copies of unauthorized, illicit repro-  
ductions of such works.

The prohibition of importation of illicit reproductions is essential to copyright pro-  
tection, and is provided for in the United States laws by section 4964 of the Revised 10  
Statutes, as amended by the act of March 3, 1891, and by section 4965, of the Revised  
Statutes, as amended by the act of March 2, 1895. The provisions of these two sec-  
tions are undoubtedly applicable to all articles registered for copyright protection as  
well under the act of January 7, 1904, as under all previous acts, section 8 of the act  
of January 7, 1904, providing "that, except in so far as this act authorizes and pro- 15  
vides for temporary copyright protection during the period and for the purposes  
herein provided for, it shall not be construed or held to in any manner affect or  
repeal any of the provisions of the Revised Statutes relating to copyrights and the  
acts amendatory thereof."

It is probable, however, that the German ambassador had in mind only the ques- 20  
tion of the importation of copies of the authorized editions of articles actually  
exhibited at St. Louis in 1904, and registered under the act of January 7, 1904.

In relation thereto, I beg to submit for consideration the following:

1. In the title and first section of the act it is made clear that its provisions relate 25  
exclusively to literary, artistic, or musical works produced abroad.

2. The purpose of the act is to grant to the authors of such foreign works, their  
heirs and assigns, "the sole liberty of printing, reprinting, publishing, copying, and  
vending the same within the limits of the United States." (Section 1.)

3. The articles to be protected under this act are as follows: Group A. Original  
works of the fine arts (paintings, drawings, statues, or statuary), maps, charts, 30  
dramas, music, engravings, cuts, and prints. Group B. Books, chromos, lithographs,  
and photographs.

4. So far as the articles in Group A are concerned, there are no provisions in any  
of the United States copyright laws in force to require their manufacture in the  
United States or to prohibit the importation of any copies, except copies of unauthor- 35  
ized reproductions. (Sections 4964 and 4965 of the Revised Statutes.)

5. In the case of the four articles in Group B, however, the act of March 3, 1891,  
section 3, provides that in the case of a book, photograph, chromo, or lithograph,  
the copies "shall be printed from type set within the limits of the United States, or  
from plates made therefrom, or from negatives or drawings on stone made within 40  
the limits of the United States, or from transfers made therefrom;" and the same sec-  
tion further provides that the importation into the United States of copies not thus  
produced is prohibited during the existence of the copyright.

6. This prohibition of importation follows the proviso to section 4956 of the Revised  
Statutes enacted by the act of March 3, 1891, requiring the manufacture of the four 45  
articles in the United States, and was clearly added to make the American manufac-  
ture clause effective. Had there been no stipulation requiring type-setting, etc., in  
the United States, there would have been no need for the prohibition of importation  
of copies not made from type set within the United States, etc., and if the require-  
ment of American manufacture is omitted, the prohibition of importation and the 50  
exceptions to such prohibition are uncalled for, and hence are null and void.

NOTE 8—*Continued.*

1 Obviously, therefore, there can be no question of the right of importation of author-  
ized copies of the articles in Group A, as prohibition of such importation would  
render entirely nugatory the privileges and protection expressly intended to be  
secured to the foreign authors and artists of such articles by the act of March 3,  
5 1891; and the only question, therefore, is whether the four articles in Group B, viz,  
books, chromos, lithographs, and photographs, when registered in the Copyright  
Office as exhibits to the Louisiana Purchase Exposition, can be imported without  
hindrance during the two years' period of protection provided by the act.

The act makes it very clear that this term of protection is not dependent upon the  
10 manufacture of the articles in the United States, section 6 of the act expressly pro-  
viding for an extension of the term of protection to "the full terms provided for in  
Title LX, chapter 3, of the Revised Statutes" if at any time during this period of two  
years, copies of the original text in the case of a book, or of a translation of it in English,  
are printed from type set within the United States or from plates made therefrom;  
15 while in the case of photographs, chromos, or lithographs, if copies shall be pro-  
duced printed from negatives, or drawings on stone made within the United States,  
or from transfers made therefrom.

The matter may therefore be summarized as follows:

1. The articles in question are foreign productions; 2. The sole right of vending  
20 them in the United States is granted for two years from date of registration in the  
Copyright Office; 3. The manufacture of the articles in the United States is not  
required; 4. The prohibition of importation in the act of March 3, 1891, is incidental  
to the requirement of American manufacture in section 3 of the same act.

This prohibition of importation, therefore, does not apply to the articles named  
25 in section 1 of the act of January 7, 1904, which grants interim copyright protection  
for the term of two years, these articles not being required to be manufactured in  
the United States, and the whole purport of the act being to secure to the copyright  
proprietor protection and unhindered sale in the United States for the articles  
exhibited.

30 Respectfully,

THORVALD SOLBERG,  
*Register of Copyrights*

THE LIBRARIAN OF CONGRESS.

# INDEX.

[References are to page and line.]

Actions. <i>See</i> Suits for infringement of copyright.	p. 1.	Assignment of copyright:	p. 1.
Additions to published foreign books copyrightable, act of Mar. 3, 1891 .....	62: 20	Must be recorded—	
Administrators of author:		South Carolina, act of Mar. 26, 1784.....	23: 5
Recommended as copyright beneficiaries. Res. of Colonial Cong., May 2, 1783....	11: 1	United States laws—	
May secure copyright—		June 30, 1834 .....	41: 40
Maryland, act of Apr. 21, 1783 .....	15: 30	July 8, 1870.....	47: 15
United States laws—		Rev. Stat., sec. 4955.....	54: 30
May 31, 1790.....	32: 10, 25, 35	Must be by instrument of writing—	
Feb. 3, 1831.....	37: 20	U. S. act, July 8, 1870 .....	47: 15
July 8, 1870.....	46: 40	Rev. Stat., sec. 4955 .....	54: 30
Rev. Stat., sec. 4952 .....	54: 10	Fee for recording—	
Mar. 3, 1891.....	59: 35	South Carolina, act of Mar. 26, 1784.....	23: 5
Mar. 3, 1905 .....	72: 10	United States laws—	
“Alphabet of Orthoeopy,” copyright in, act of Feb. 17, 1898..	77: 30	June 30, 1834 .....	42: 10
Alterations to published foreign books copyrightable, act of Mar. 3, 1891.....	62: 15	July 8, 1870.....	48: 5
Annual report to Congress of copyright entries:		Rev. Stat., sec. 4958 .....	55: 15
Act of July 8, 1870 .....	46: 30	June 18, 1874 .....	58: 10
Rev. Stat., sec. 4951 .....	54: 1	Mar. 3, 1891.....	61: 25
Act of Feb. 19, 1897 .....	68: 20	Fee for copy of—	
Appeal allowed in copyright cases:		Act of July 8, 1870.....	48: 5
Act of Feb. 15, 1819 .....	37: 1	Rev. Stat., sec. 4958 .....	55: 25
Act of Feb. 18, 1861 .....	44: 15	Act of June 18, 1874 .....	58: 10
Act of July 8, 1870 .....	50: 30	Act of Mar. 3, 1891 .....	61: 30
Rev. Stat., sec. 699 .....	52: 25	Default of record of—	
Act of Feb. 9, 1893 .....	64: 15	Act of June 30, 1834 .....	42: 5
Appropriations for Copyright Office:		Act of July 8, 1870 .....	47: 20
Act of Feb. 19, 1897 .....	67: 35	Rev. Stat., sec. 4955 .....	54: 30
Act of Apr. 17, 1900 .....	69: 25	Assigns:	
		Recommended as copyright beneficiaries. Res. of Col. Cong., May 2, 1783.....	11: 5
		May secure copyright—	
		State laws—	
		Connecticut, act of Jan. sess., 1783.....	12: 5
		Georgia, act of Feb. 3, 1786.	27: 20
		Maryland, act of Apr. 21, 1783 .....	15: 30

Assigns—Continued.	p. l.	Author—Continued.	p. l.
May secure copyright—Cont'd.		May secure copyright—Cont'd.	
State laws—Continued.		State laws—Continued.	
Massachusetts, act of Mar.		New Jersey, act of May	
17, 1783.....	14: 25	27, 1783.....	17: 5
New Hampshire, act of		New York, act of Apr. 29,	
Nov. 7, 1783.....	18: 20	1786.....	29: 25
New Jersey, act of May 27,		North Carolina, act of Nov.	
1783.....	17: 5	19, 1785.....	25: 40
New York, act of Apr. 29,		Pennsylvania, act of Mar.	
1786.....	29: 25	15, 1784.....	20: 25
North Carolina, act of Nov.		Rhode Island, act of Dec.	
19, 1785.....	25: 40	sess., 1783.....	19: 25
Pennsylvania, act of Mar.		South Carolina, act of	
15, 1784.....	20: 30; 21: 10	Mar. 26, 1784.....	21: 40; 22: 5
Rhode Island, act of Dec.		Virginia, act of Oct., 1785.	24: 30, 40
sess., 1783.....	19: 25	United States laws—	
South Carolina, act of Mar.		May 31, 1790.....	32: 10, 25, 35
26, 1784.....	22: 5	Feb. 3, 1831.....	37: 20
Virginia, act of Oct., 1785.	24: 35, 40	July 8, 1870.....	46: 40
United States laws—		Rev. Stat., sec. 4952.....	54: 5
May 31, 1790.....	32: 10, 25, 35	Mar. 3, 1891.....	59: 40
Feb. 3, 1831.....	37: 20	Jan. 7, 1904.....	70: 10
July 8, 1870.....	46: 40	Mar. 3, 1905.....	72: 15
Rev. Stat., sec. 4952.....	54: 5	Name of, required to be printed	
Mar. 3, 1891.....	59: 40	on work—	
Jan. 7, 1904.....	70: 10	Massachusetts, act of Mar.	
Mar. 3, 1905.....	72: 15	17, 1783.....	14: 25
Attorney-General, opinions of		New Hampshire, act of Nov.	
the..... pp. 82, 84, 114,		7, 1783.....	18: 15
117, 121, 124, 126, 128, 134, 138		Rhode Island, act of Dec.	
Authentication of copyright rec-		sess., 1783.....	19: 25
ords and papers:		Restriction as to citizenship of,	
Act of July 8, 1870.....	46: 25	removed, act of Mar. 3, 1891.	59: 35
Rev. Stat., sec. 4949.....	53: 40	Right to dramatize and trans-	
Author:		late reserved to—	
Recommended as copyright		Act of July 8, 1870.....	47: 1
beneficiary, Res. of Colonial		Rev. Stat., sec. 4952.....	54: 15
Cong., May 2, 1783.....	11: 5	Act of Mar. 3, 1891.....	60: 1
Exclusive right to writings,		Act of Mar. 3, 1905.....	72: 20, 40
U. S. Constitution, Sept. 17,		Belgium, proclamation extend-	
1787.....	31: 40	ing copyright to citizens of,	
May secure copyright—		July 1, 1891.....	87: 5
State laws—		"Ben-Hur," importation of Ca-	
Connecticut, act of Jan.		nadian copies of.....	120: 50; 123: 15
sess., 1783.....	12: 1	Beneficiaries, copyright. See	
Georgia, act of Feb. 3,		Who may obtain copyright.	
1786.....	27: 20	Bond:	
Maryland, act of Apr. 21,		Of Librarian of Congress—	
1783.....	15: 30	Act of July 8, 1870 (\$5,000).	46: 25
Massachusetts, act of Mar.			
17, 1783.....	14: 25		
New Hampshire, act of			
Nov. 7, 1783.....	18: 20		

Bond—Continued.		Book—Continued.	
	p. l.		p. l.
Of Librarian of Congress—Con.		One copy of, must be deposited—Continued.	
Rev. Stat., sec. 4950 (\$5,000)	53: 40	Act of Jan. 7, 1904 (for interim term) .....	70: 20
Act of Feb. 19, 1897 (\$20,000)	68: 15	Act of Mar. 3, 1905 (for interim term) .....	72: 25
Of Register of Copyrights, act of Feb. 19, 1897 (\$20,000) ..	68: 1	Two copies of, must be deposited—	
Book:		Act of Aug. 10, 1846 .....	42: 25
May be copyrighted—		Act of July 8, 1870 ....	47: 30; 48: 10
State laws—		Rev. Stat., secs. 4956, 4959 .....	54: 40; 55: 30
Connecticut, act of Jan. sess., 1783 .....	12: 1	Act of Mar. 3, 1891 .....	60: 35
Georgia, act of Feb. 3, 1786	27: 20	Act of Jan. 7, 1904 (for U. S. ed.) .....	71: 10
Maryland, act of Apr. 21, 1783 .....	15: 30	Act of Mar. 3, 1905 (for U. S. ed.) .....	72: 35
Massachusetts, act of Mar. 17, 1783 .....	14: 25	Must be type-set in United States—	
New Hampshire, act of Nov. 7, 1873 .....	18: 15	Act of Mar. 3, 1891 .....	60: 35
New Jersey, act of May 27, 1783 .....	17: 5	Act of Jan. 7, 1904 (for U. S. ed.) .....	71: 5
New York, act of Apr. 29, 1786 .....	29: 25	Act of Mar. 3, 1905 (for U. S. ed.) .....	72: 35
North Carolina, act of Nov. 19, 1785 .....	25: 40	Copy of record required to be inserted in, act of Apr. 29, 1802 .....	35: 5
Pennsylvania, act of Mar. 15, 1784 .....	20: 25	New edition of—	
Rhode Island, act of Dec. sess., 1783 .....	19: 25	Requires deposit of one copy—	
South Carolina, act of Mar. 26, 1784 .....	21: 40	Act of Mar. 3, 1865 .....	45: 15
Virginia, act of Oct., 1785.	24: 30	Act of July 8, 1870 .....	48: 15
United States laws—		Rev. Stat., sec. 4959 .....	55: 35
May 31, 1790 .....	32: 10, 25	Act of Mar. 3, 1891 .....	62: 15
Feb. 3, 1831 .....	37: 15	Foreign, copyrightable, act of Mar. 3, 1891 .....	62: 20
July 8, 1870 .....	46: 35	In foreign language—	
Rev. Stat., sec. 4952 .....	54: 5	May be imported—	
Mar. 3, 1891 .....	59: 35	North Carolina, act of Nov. 19, 1785 .....	26: 40
Jan. 7, 1904 .....	70: 5	South Carolina, act of Mar. 26, 1784 .....	23: 10
Mar. 3, 1905 .....	72: 10	Published abroad, may be copyrighted, act of Mar. 3, 1905 .....	72: 20
Each volume of, requires separate entry, act of Mar. 3, 1891.	63: 35	Of which only translation is copyrighted, may be imported, act of Mar. 3, 1891.	61: 15
Printed title of, must be filed—		Importation of copyrighted, prohibited, act of Mar. 3, 1891 .....	60: 40
Act of May 31, 1790 .....	33: 25	Importation of unauthorized editions for sale, Treasury decision .....	123: 45
Act of Feb. 3, 1831 .....	38: 5		
Act of July 8, 1870 .....	47: 25		
Rev. Stat., sec. 4956 .....	54: 35		
Act of Mar. 3, 1891 .....	60: 25		
Act of Mar. 3, 1905 (for U. S. ed.) .....	72: 35		
One copy of, must be deposited—			
Act of May 31, 1790 .....	34: 5		
Act of Feb. 3, 1831 .....	38: 25		

Book—Continued.	p. 1.	Certificate of registration—Con.	p. 1.
Importation, customs regulations, 1899 .....	119: 30	Fee for—Continued.	
Two copies of, may be imported at one time, act of Mar. 3, 1891 .....	61: 10	United States laws—Con.	
Statutory definition of, act of Mar. 3, 1865 .....	45: 10	Feb. 3, 1831 .....	38: 20
California, penalty for unauthorized representation, act of Mar. 18, 1905 .....	110: 20	July 8, 1870 .....	48: 5
Catalogue of title entries:		Rev. Stat., sec. 4958 .....	55: 20
Librarian of Congress to furnish titles for, act of Mar. 3, 1891 .....	61: 35	Mar. 3, 1891 .....	61: 25
Secretary of the Treasury to print, act of Mar. 3, 1891 .....	62: 1	Chart:	
Distribution of, act of Mar. 3, 1891 .....	62: 5	May be copyrighted—	
Subscription, \$5 a year, act of Mar. 3, 1891 .....	62: 5	State laws—	
Interim copyrights to be included in, act of Jan. 7, 1904 .....	70: 30	Connecticut, act of Jan. sess., 1783 .....	12: 1
Certificate of registration:		Georgia, act of Feb. 3, 1786 .....	27: 20
Copy of, required to be inserted in work—		North Carolina, act of Nov. 19, 1785 .....	25: 40
Pennsylvania, act of Mar. 15, 1784 .....	21: 20	United States laws—	
U. S., act of Apr. 29, 1802 .....	35: 5	May 31, 1790 .....	32: 10, 25
Author or proprietor entitled to—		Feb. 3, 1831 .....	37: 15
North Carolina, act Nov. 19, 1785 .....	26: 20	July 8, 1870 .....	46: 35
United States laws—		Rev. Stat., sec. 4952 .....	54: 5
May 31, 1790 .....	33: 30	Mar. 3, 1891 .....	59: 35
Feb. 3, 1831 .....	38: 10	Jan. 7, 1904 .....	70: 5
July 8, 1870 .....	47: 45	Mar. 3, 1905 .....	72: 10
Rev. Stat., sec. 4957 .....	55: 10	Printed title of, required to be deposited—	
Jan. 7, 1904 .....	70: 30	Act of May 31, 1790 .....	33: 25
Form of—		Act of Feb. 3, 1831 .....	38: 5
United States laws—		Act of July 8, 1870 .....	47: 25
May 31, 1790 .....	33: 35	Rev. Stat., sec. 4956 .....	54: 35
Feb. 3, 1831 .....	38: 10	Act of Mar. 3, 1891 .....	60: 25
July 8, 1870 .....	47: 35	One copy of, required to be deposited—	
Rev. Stat., sec. 4957 .....	55: 5	Act of May 31, 1790 .....	34: 5
Fee for—		Act of Feb. 3, 1831 .....	38: 25
State laws—		Act of Jan. 7, 1904, interim term for L. P. E. ....	70: 15
Maryland, act of Apr. 21, 1783 .....	16: 20	Two copies of, required to be deposited—	
South Carolina, act of Mar. 26, 1784 .....	23: 10	Act of Aug. 10, 1846 .....	42: 20
Virginia, act of Oct., 1785 .....	25: 20	Act of July 8, 1870 .....	47: 30; 48: 10
United States laws—		Rev. Stat., secs. 4956, 4959 .....	54: 40; 55: 30
May 31, 1790 .....	34: 1	Act of Mar. 3, 1891 .....	60: 30
		Chile, proclamation extending copyright to citizens of, May 25, 1896 .....	94: 10
		China, proclamation extending copyright to citizens of, Jan. 18, 1904 .....	100: 30
		Chromo:	
		May be copyrighted—	
		Act of July 8, 1870 .....	46: 35
		Rev. Stat., sec. 4952 .....	54: 5
		Act of Mar. 3, 1891 .....	59: 40

Chromo—Continued.	p. 1.	Connecticut—Cont'd.	p. 1.
May be copyrighted—Cont'd.		Repeal of copyright act, Oct.	
Act of Jan. 7, 1904 .....	70: 5	sess., 1812 .....	113: 5
Act of Mar. 3, 1905 .....	72: 10	Penalty for unauthorized rep-	
Description and photograph		resentation, act of June 7,	
required to be deposited—		1905 .....	111: 25
Act of July 8, 1870 .....	47: 25	Consent of proprietor to publica-	
Rev. Stat., sec. 4956 .....	54: 35	tion:	
Printed title of, required to be		Entry of, required, S. C., act of	
deposited, act of Mar. 3, 1891.	60: 25	Mar. 26, 1784 .....	23: 1
One copy of, required to be de-		Fee for, S. C., act of Mar. 26,	
posited for interim term,		1784 .....	23: 5
act of Jan. 7, 1904 .....	70: 15	See also Assignment of copy-	
Two copies of, required to be		right.	
deposited—		Constitutional provision regard-	
Act of July 8, 1870 ....	47: 30; 48: 10	ing copyright, Sept. 17, 1787 ..	31: 40
Rev. Stat., secs. 4956,		Copies, deposit of. See Deposit	
4959 .....	54: 40; 55: 30	of copies.	
Act of Mar. 3, 1891 .....	60: 35	Copy of record. See Certificate	
Act of Jan. 7, 1904, for U. S.		of registration.	
ed .....	71: 10	Copyright:	
Copies deposited must be made		Resolution of Colonial Cong.,	
from U. S. plates—		May 2, 1783 .....	11: 1
Act of Mar. 3, 1891 .....	60: 35	Constitutional provision, Sept.	
Act of Jan. 7, 1904, for U. S.		17, 1787 .....	31: 40
ed .....	71: 10	Copyright acts of original States:	
Importation of copyrighted,		Connecticut, Jan. sess., 1783 ..	11: 20
prohibited, act of Mar. 3,		Repealing act, Oct. sess., 1812	113: 5
1891 .....	60: 40	Georgia, Feb. 3, 1786 .....	27: 5
Importation of, of copyrighted		Maryland, Apr. 21, 1783 .....	15: 20
painting—		Massachusetts, Mar. 17, 1783 ..	14: 5
Opin. of Attorney-General ..	124: 25	New Hampshire, Nov. 7, 1783 ..	18: 1
Treasury decision .....	125: 40	New Jersey, May 27, 1783 ....	16: 40
Circuit courts. See Courts.		New York, Apr. 29, 1786 ....	29: 15
Citizenship of author, restriction		North Carolina, Nov. 19, 1785 ..	25: 30
as to, removed, act of Mar. 3,		Pennsylvania, Mar. 15, 1784 ..	20: 5
1891 .....	59: 35	Rhode Island, Dec. sess., 1783 ..	19: 10
Claim of copyright. See Notice		South Carolina, Mar. 26, 1784 ..	21: 35
of copyright.		Virginia, Oct., 1785 .....	24: 25
Colonial Cong., May 2, 1783. Res-		[Delaware passed no law.]	
olution recommending States		Copyright acts of the United	
to pass copyright laws .....	11: 1	States:	
Commissioner of Patents charged		Private—	
with registry of prints and		1828, May 24, John Rowlett.	73: 10
labels, act of June 18, 1874 ...	58: 20	1830, Feb. 11, John Rowlett.	73: 35
Common-law right:		1843, Mar. 3, John Rowlett ..	74: 10
Connecticut, act of Jan. sess.,		1849, Feb. 19, Levi H. Cor-	
1783 .....	13: 25	son .....	74: 40
Georgia, act of Feb. 3, 1786 ..	28: 40	1854, Aug. 2, Thomas H.	
New York, act of Apr. 29, 1786 ..		Sumner .....	75: 25
United States, act Aug. 18,		1859, Jan. 25, Mrs. Henry	
1856 .....	43: 20	R. Schoolcraft .....	76: 1
Connecticut:		1866, May 24, Mrs. William	
Copyright act, Jan. sess., 1783.	11: 25	L. Herndon .....	76: 25

Copyright acts of the United States—Continued.	p. 1.	Copyright business, etc.—Cont'd.	p. 1.
Private—Continued.		Rev. Stat., sec. 4951.....	54: 1
1874, June 23, William Tod Helmuth .....	76: 40	Act of Feb. 19, 1897.....	68: 15
1898, Feb. 17, Judson Jones.	77: 30	Copyright deposits. <i>See</i> Deposits, copyright.	
Public—		Copyright fees. <i>See</i> Fees.	
1790, May 31.....	32: 5	Copyright laws. <i>See</i> Copyright acts.	
1802, Apr. 29.....	34: 35	Copyright notice. <i>See</i> Notice of copyright.	
1819, Feb. 15.....	36: 30	Copyright Office:	
1831, Feb. 3 (First revision)	37: 10	Establishment of, and appropriations for—	
1834, June 30.....	41: 40	Act of Feb. 19, 1897.....	67: 30
1846, Aug. 10.....	42: 20	Act of Apr. 17, 1900.....	69: 25
1855, Mar. 3.....	42: 35	Seal of, act of July 8, 1870 ...	46: 20
1856, Aug. 18.....	43: 5	Copyright proclamations:	
1859, Feb. 5.....	43: 35	Belgium, July 1, 1891.....	87: 5
1861, Feb. 18.....	44: 10	Chile, May 25, 1896.....	94: 10
1865, Mar. 3.....	44: 30	China, Jan. 13, 1904.....	100: 30
1867, Feb. 18.....	45: 30	Costa Rica, Oct. 19, 1899.....	95: 1
1870, July 8 (Second revision) .....	46: 15	Cuba, Nov. 17, 1903.....	97: 1
1872, June 8.....	52: 5	Denmark, May 8, 1893.....	90: 30
1873, Dec. 1 (Third revision, Revised Statutes).....	53: 10	France, July 1, 1891.....	87: 5
1874, June 18.....	57: 40	Germany, Apr. 15, 1892.....	88: 1
1879, Mar. 3.....	58: 40	Great Britain, July 1, 1891 ...	87: 5
1882, Aug. 1.....	59: 10	Italy, Oct. 31, 1892.....	89: 40
1891, Mar. 3.....	59: 30	Japan, May 17, 1906.....	103: 25
1893, Feb. 9.....	64: 15	Mexico, Feb. 27, 1896.....	93: 15
1893, Mar. 3.....	64: 35	Netherlands (Holland), Nov. 20, 1899.....	96: 1
1895, Jan. 12.....	65: 10	Norway, July 1, 1905.....	98: 1
1895, Mar. 2.....	65: 30	Portugal, July 20, 1893.....	91: 30
1897, Jan. 6.....	66: 35	Spain, July 10, 1895.....	92: 25
1897, Feb. 19.....	67: 40	Spain, treaty of peace, Apr. 11, 1899.....	99: 1
1897, Mar. 3.....	68: 30	Switzerland, July 1, 1891.....	87: 5
1900, Apr. 17.....	69: 25	Copyright registration. <i>See</i> Registration, copyright.	
1904, Jan. 7.....	70: 5	Copyright suits. <i>See</i> Suits for infringement of copyright.	
1905, Mar. 3.....	72: 1	Corson (Levi H.), to continue copyright in his almanac, act of Feb. 19, 1849.....	74: 40
Copyright administration:		Costa Rica, proclamation extending copyright to citizens of, Oct. 19, 1899.....	95: 1
Transferred from Secretary of State to Secretary of the Interior, act of Feb. 5, 1859.....	43: 40	Costs, full, allowed in copyright cases—	
Transferred from Secretary of the Interior to Librarian of Congress, act of July 8, 1870.	50: 35	South Carolina, act of Mar. 26, 1784.....	24: 5
Copyright assignments. <i>See</i> Assignment of copyright.		United States laws—	
Copyright beneficiaries. <i>See</i> Who may obtain copyright.		Act, Feb. 3, 1831.....	40: 30
Copyright business, annual report of Librarian of Congress:		Act, July 8, 1870.....	50: 35
Act of July 8, 1870 .....	46: 30	Rev. Stat., sec. 972.....	53: 1



Courts:	p. 1.	Cut—Continued.	p. 1.
Jurisdiction of, in copyright cases—		Two copies of, required to be deposited—Continued.	
Act of Feb. 15, 1819.....	36: 30	Rev. Stat., secs. 4956, 4959.....	54: 40; 55: 30
Act of July 8, 1870.....	50: 15	Act of Mar. 3, 1891.....	60: 35
Rev. Stat., secs. 629, 4970.....	52: 15; 57: 20	Statutory definition of, act of June 18, 1874.....	58: 15
Act of Feb. 9, 1893.....	64: 15	Damages. <i>See</i> Penalties.	
Act of Jan. 6, 1897.....	67: 15	Decisions of the Department of the Treasury....	pp. 116, 119, 120, 123, 125, 129–133, 141, 142
May grant injunction—		Defamatory productions, publication of, illegal—	
Act of Feb. 15, 1819.....	36: 40	Connecticut, act of Jan. sess., 1783.....	13: 30
Act of July 8, 1870.....	50: 25	Georgia, act of Feb. 3, 1786..	29: 1
Rev. Stat., sec. 4970.....	57: 20	New York, act of Apr. 29, 1786.	31: 5
To restrain unlawful publication of manuscript, act of Feb. 3, 1831.....	40: 10	Defendant may plead the general issue:	
To restrain publication of articles bearing false notice, act of Mar. 3, 1897...	69: 10	South Carolina, act of Mar. 26, 1784.....	24: 5
Appeal from circuit, allowed, act of Feb. 18, 1861.....	44: 15	United States laws—	
<i>See also</i> Supreme court.		May 31, 1790.....	34: 25
Cuba:		Feb. 3, 1831.....	40: 15
Treaty of peace between United States and Spain ...	99: 10	July 8, 1870.....	50: 15
Proclamation extending copyright to citizens of, Nov. 17, 1903.....	97: 1	Rev. Stat., sec. 4969.....	57: 20
Customs officers required to record unlawful importations ..	130: 20	Definitions:	
Customs regulations as to importation of copyright articles, 1899.....	119: 30	“Book,” act of Mar. 3, 1865 ..	45: 10
Cut:		“Engraving,” “cut,” “print,” act of June 18, 1874.....	58: 15
May be copyrighted—		Denmark, proclamation extending copyright to citizens of, May 8, 1893.....	90: 30
Act of Feb. 3, 1831.....	37: 20	Deposit of copies:	
Act of July 8, 1870.....	46: 35	State laws—	
Rev. Stat., sec. 4952.....	54: 5	Massachusetts, act of Mar. 17, 1783. Two copies in library of University of Cambridge.....	14: 40
Act of Mar. 3, 1891.....	59: 35	North Carolina, act of Nov. 19, 1785. One copy to secretary of the state....	26: 20
Act of Jan. 7, 1904.....	70: 5	United States laws—	
Act of Mar. 3, 1905.....	72: 10	May 31, 1790. One copy within six months.....	34: 5
Printed title of, must be filed—		Feb. 3, 1831. One copy within three months.....	38: 25
Act of Feb. 3, 1831.....	38: 5	Aug. 10, 1846. Two copies within three months....	42: 20
Act of July 8, 1870.....	47: 25	Mar. 3, 1865. One copy within one month, for L. of C.....	44: 40
Rev. Stat., sec. 4956.....	54: 35		
Act of Mar. 3, 1891.....	60: 25		
One copy of, required to be deposited—			
Act of Feb. 3, 1831.....	38: 25		
Act of Jan. 7, 1904.....	70: 15		
Two copies of, required to be deposited—			
Act of July 8, 1870....	47: 30; 48: 10		

Deposit of copies—Continued.	p. 1.	Deposit of printed title re-	p. 1.
United States laws—Cont'd.		quired—Continued.	
July 8, 1870. Two copies		Act of Feb. 3, 1831.....	38: 5
within ten days .... 47: 30; 48: 10		Act of July 8, 1870.....	47: 25
Rev. Stat., secs. 4956, 4959.		Rev. Stat., sec. 4956 .....	54: 35
Two copies within ten		Act of Mar. 3, 1891 .....	60: 25
days ..... 54: 40; 55: 30		Act of Mar. 3, 1905, for U. S. ed.	72: 35
Mar. 3, 1891. Two copies		Deposits, copyright:	
not later than day of pub-		Free transmission through the	
lication ..... 60: 30		mails—	
( Jan. 7, 1904. One copy		Act of Mar. 3, 1855 .....	42: 35
for interim term; two		Free transmission through the	
copies of U. S. ed. for full		mails—Continued.	
term ..... 70: 20; 71: 6		Act of Mar. 3, 1865 .....	44: 40
Mar. 3, 1905. One copy with-		Act of Feb. 18, 1867 .....	45: 40
in thirty days for fore-		Act of July 8, 1870.....	48: 25
ign work; two copies of		Act of June 8, 1872 .....	52: 81
U. S. ed. within twelve		Postmaster shall give receipt	
months..... 72: 25; 72: 35		for—	
Of new edition, one copy re-		Act of Feb. 18, 1867.....	46: 1
quired—		Act of July 8, 1870.....	48: 25
Act of Mar. 3, 1865 .....	45: 15	Rev. Stat., sec. 4961 .....	56: 1
Act of July 8, 1870 .....	48: 15	Transmittal (yearly) to Sec-	
Rev. Stat., sec. 4959 .....	55: 30	retary of State, act of Feb.	
Act of Mar. 3, 1891 .....	62: 15	3, 1831.....	38: 30
Typesetting in U. S. required—		Removal from—	
Act of Mar. 3, 1891 .....	60: 35	Dept. of State to Dept. of	
Act of Jan. 7, 1904, for U. S.		the Interior, act of Feb. 5,	
ed..... 71: 10		1859 .....	43: 35
Act of Mar. 3, 1905, for U. S.		Dept. of Interior to Library	
ed..... 72: 35		of Congress, act of July 8,	
Photograph of work of fine arts		1870.....	50: 40
required—		Duplicate copies of scientific	
Act of July 8, 1870 ... 47: 30; 48: 10		works, etc., in Patent Office,	
Rev. Stat., sec. 4956 .....	55: 1	act of July 8, 1870.....	51: 5
Act of Mar. 3, 1891.....	60: 35	Description of work of the fine	
Act of Jan. 7, 1904.....	71: 30	arts, deposit of, required—	
Receipt for, given by Libra-		Act of July 8, 1870 .....	47: 30; 48: 10
rian of Congress, act of		Rev. Stat., sec. 4956 .....	54: 38
Mar. 3, 1865 .....	44: 40	Act of Mar. 3, 1891 .....	60: 26
Failure to deposit—		Act of Jan. 7, 1904.....	71: 28
Involves forfeiture of copy-		Design for work of fine arts:	
right, act of Mar. 3, 1865..	45: 1	May be copyrighted—	
Involves \$25 penalty—		Act of July 8, 1870.....	48: 40
Act. of Feb. 18, 1867.....	45: 35	Rev. Stat., sec. 4952 .....	54: 5
Act of July 8, 1870 .....	48: 20	Act of Mar. 3, 1891 .....	59: 35
Rev. Stat., sec. 4960 .....	55: 35	Act of Jan. 7, 1904.....	74: 20
Enabling act of Mar. 3, 1893..	64: 35	Act of Mar. 3, 1905 .....	72: 10
Deposit of description required:		Deposit of description and	
Act of July 8, 1870 .....	47: 30; 48: 10	photograph required—	
Rev. Stat., sec. 4956 .....	54: 35	Act of July 8, 1870.....	47: 25
Act of Mar. 3, 1891 .....	60: 25	Rev. Stat., sec. 4956 .....	54: 35
Deposit of printed title required:		Act of Mar. 3, 1891 .....	60: 25
Act of May 31, 1790.....	33: 30	Act of Jan. 7, 1904.....	71: 30

Designer, may secure copyright—	p. 1.	Dramatic composition—Cont'd.	p. 1.
Act of Feb. 3, 1831.....	37: 20, 30	Penalties for unlawful representation—Continued.	
Act of July 8, 1870.....	46: 35	Act of July 8, 1870.....	49: 40
Rev. Stat., sec. 4952.....	47: 5	Rev. Stat., sec. 4966.....	57: 5
Act of Mar. 3, 1891.....	59: 35; 60: 5	Act of Jan. 6, 1897.....	66: 35
Act of Mar. 3, 1905.....	72: 10	State laws—	
Destruction:		California, act of Mar. 18,	
Of forfeited unlawful copies—		1905.....	110: 35
South Carolina, act of Mar.		Connecticut, act of June	
26, 1784.....	22: 20	7, 1905.....	111: 35
U. S. act, May 31, 1790.....	33: 10	Louisiana, act of July 9,	
U. S. act, Apr. 29, 1802.....	35: 45	1900.....	106: 35
Of unlawfully imported arti-		Massachusetts, act of Mar.	
cles, opinion of Attorney-		29, 1904.....	109: 25
General.....	128: 20	Michigan, act of June 16,	
District of Columbia, act to es-		1905.....	112: 20
tablish court of appeals for,		Minnesota, act of Mar. 15,	
Feb. 9, 1893.....	64: 15	1905.....	110: 5
Dramatic composition:		New Hampshire, act of	
May be copyrighted—		Mar. 13, 1895.....	105: 30
Act of Aug. 18, 1856.....	43: 5	New Jersey, act of Apr.	
Act of July 8, 1870.....	46: 35	10, 1902.....	109: 1
Rev. Stat., sec. 4952.....	54: 5	New York, act of Sept. 1,	
Act of Mar. 3, 1891.....	59: 35	1899.....	106: 10
Act of Jan. 7, 1904.....	70: 10	Ohio, act of Mar. 25, 1902.	108: 20
Act of Mar. 3, 1905.....	72: 10	Oregon, act of Feb. 27,	
Printed title of, required to be		1901.....	107: 25
filed—		Pennsylvania, act of May	
Act of July 8, 1870.....	47: 25	29, 1901.....	108: 1
Rev. Stat., sec. 4956.....	54: 35	Wisconsin, act of June 1,	
Act of Mar. 3, 1891.....	60: 25	1905.....	111: 10
Two copies of, required to be		Dramatization, right of, reserved	
deposited—		to author:	
Act of July 8, 1870.....	47: 30; 48: 10	Act of July 8, 1870.....	47: 1
Rev. Stat., secs. 4956,		Rev. Stat., sec. 4952.....	54: 15
4959.....	54: 40; 55: 30	Act of Mar. 3, 1891.....	60: 1
Act of Mar. 3, 1891.....	60: 30	Act of Mar. 3, 1905.....	72: 20, 40
Right of representation re-		Drawing:	
served to author—		May be copyrighted—	
Act of Aug. 18, 1856.....	43: 5	Act of July 8, 1870.....	46: 40
Act of July 8, 1870.....	46: 45	Rev. Stat., sec. 4952.....	54: 5
Rev. Stat., sec. 4952.....	54: 10	Act of Mar. 3, 1891.....	59: 35
Act of Mar. 3, 1891.....	59: 40	Act of Jan. 7, 1904.....	71: 20
Act of Mar. 3, 1905.....	72: 15	Act of Mar. 3, 1905.....	72: 10
Importation of copyrighted—		Description and photograph	
Opinion of Attorney-Gen-		required to be deposited—	
eral.....	134: 10	Act of July 8, 1870.....	47: 25
Treasury decision.....	133: 10	Rev. Stat., sec. 4956.....	54: 35
Injunction to restrain unlaw-		Act of Mar. 3, 1891.....	60: 25
ful representation, U. S. act,		Act of Jan. 7, 1904.....	71: 30
Jan. 6, 1897.....	67: 5	Duration of copyright. See	
Penalties for unlawful repre-		Terms of copyright.	
sentation—			
Act of Aug. 18, 1856.....	43: 15		

Edition, insufficient. <i>See</i> Failure to publish sufficient edition.	p. 1.	Executors of author:	p. 1.
Editions, new:		Recommended as copyright beneficiaries. Res. of Col. Cong., May 2, 1783 .....	11: 5
Included in term "book," act of Mar. 3, 1865.....	45: 10	May secure copyright—	
Deposit of one copy required—		Maryland, act of Apr. 21, 1783 .....	15: 30
Act of Mar. 3, 1865 .....	45: 15	United States laws—	
Act of July 8, 1870 .....	48: 15	May 31, 1790.....	32: 10, 25, 35
Rev. Stat., sec. 4959 .....	55: 35	Feb. 3, 1831 .....	37: 20
Act of Mar. 3, 1891 .....	62: 15	July 8, 1870 .....	46: 40
Of foreign books may be copyrighted, act of Mar. 3, 1891.	62: 20	Rev. Stat., sec. 4952.....	54: 10
Editions, unauthorized:		Mar. 3, 1891 .....	59: 35
Importation of, Treasury decision .....	123: 15, 50	Mar. 3, 1905 .....	72: 10
Enabling act, Mar. 3, 1893.....	64: 35	Exemptions to prohibition of importation, act of Mar. 3, 1891..	61: 5
Engraver may secure copyright, act of Feb. 3, 1831.....	37: 15, 30	"Explorations of the Valley of the Amazon," copyright in, act of May 24, 1866 .....	76: 25
Engraving:		Extension of existing copyright:	
May be copyrighted—		Act of Feb. 3, 1831 .....	41: 10
Act of Apr. 29, 1802.....	35: 15	After expiration of interim term—	
Act of Feb. 3, 1831 .....	37: 20	Act of Jan. 7, 1904 .....	71: 5
Act of July 8, 1870 .....	46: 35	Act of Mar. 3, 1905.....	72: 35
Rev. Stat., sec. 4952 .....	54: 5	Failure to deposit copies:	
Act of Mar. 3, 1891 .....	39: 35	Involves forfeiture of copyright, act of Mar. 3, 1865....	45: 1
Act of Jan. 7, 1904.....	70: 5	Involves penalty of \$25—	
Act of Mar. 3, 1905 .....	72: 10	Act of Feb. 18, 1867 .....	45: 35
Printed title of, required to be filed—		Act of July 8, 1870.....	48: 20
Act of Feb. 3, 1831 .....	38: 5	Rev. Stat., sec. 4960.....	55: 40
Act of July 8, 1870 .....	47: 25	Librarian of Congress—	
Rev. Stat., sec. 4956 .....	54: 35	To demand copies in case of,	
Act of Mar. 3, 1891 .....	60: 25	act of Mar. 3, 1865.....	45: 5
One copy of, required to be deposited—		May sue in case of—	
Act of Feb. 3, 1831 .....	38: 25	Act of Feb. 18, 1867 .....	45: 35
Act of Jan. 7, 1904, for interim term, L. P. E....	70: 15	Act of July 8, 1870.....	48: 20
Two copies of, required to be deposited—		Rev. Stat., sec. 4960 .....	55: 40
Act of Aug. 10, 1846 .....	42: 25	Failure to publish sufficient edition, court may order publication and grant license to print:	
Act of July 8, 1870 ...	47: 30; 48: 10	Connecticut, act of Jan. sess., 1783 .....	12: 40
Rev. Stat., secs. 4956, 4959.....	54: 40; 55: 30	Georgia, act of Feb. 3, 1786...	28: 10
Act of Mar. 3, 1891 .....	60: 35	New York, act of Apr. 29, 1786.	30: 20
Statutory definition of, act of June 18, 1874.....	58: 15	South Carolina, act of Mar. 26, 1784 .....	33: 20
Entry of copyright. <i>See</i> Registration.		False notice of copyright:	
Etching, penalty for infringement of, act of Mar. 2, 1895..	66. 15	Penalty for, \$100—	
		Act of Apr. 29, 1802 .....	36: 15

False notice of copyright—Con.	p. l.	Fees—Continued.	p. l.
Penalty for—Continued.		For recording assignment—	
Act of Feb. 3, 1831 .....	40: 25	Continued.	
Act of July 8, 1870 .....	49: 1	United States laws—Con.	
Rev. Stat., sec. 4963 .....	56: 15	Rev. Stat., sec. 4958 .....	55: 20
Act of Mar. 3, 1891 .....	62: 25	June 18, 1874 .....	58: 10
Act of Mar. 3, 1897 .....	69: 1	Mar. 3, 1891 .....	61: 30
Importation of articles bearing,		For copy of assignment—	
prohibited, act of Mar. 3,		Act of July 8, 1870 .....	48: 5
1897 .....	69: 5	Rev. Stat., sec. 4958 .....	55: 25
Fees:		Act of June 18, 1874 .....	58: 10
For recording title—		Act of Mar. 3, 1891 .....	61: 30
State laws—		Deposit and report of, act of	
Pennsylvania, Mar. 15,		Feb. 19, 1897 .....	67: 40
1784 (5 s.) .....	21: 5	Fine arts, works of the:	
South Carolina, Mar. 26,		May be copyrighted—	
1784 (4 s. 8 d.) .....	23: 5	Act of July 8, 1870 .....	46: 38
United States laws—		Rev. Stat., sec. 4952 .....	54: 5
May 31, 1790 (60 cts.) ....	33: 45	Act of Mar. 3, 1891 .....	59: 35
Feb. 3, 1831 (50 cts.) ....	38: 20	Act of Jan. 7, 1904 .....	71: 20
July 8, 1870 (50 cts.) ....	48: 1	Act of Mar. 3, 1905 .....	72: 10
Rev. Stat., sec. 4958 (50		Description of, required to be	
cts.) .....	55: 15	deposited—	
When production of citizen		Act of July 8, 1870 ...	47: 30; 48: 10
of U. S., act of Mar. 3,		Rev. Stat., sec. 4956 .....	54: 38
1891 (50 cts.) .....	61: 25	Act of Mar. 3, 1891 .....	60: 25
When production of for-		Act of Jan. 7, 1904 .....	71: 30
eigner, act of Mar. 3, 1891		Photograph of, required to be	
(\$1) .....	61: 35	deposited—	
For L. P. E. interim term,		Act of July 8, 1870 ...	47: 30; 48: 10
act of Jan. 7, 1904		Rev. Stat., sec. 4956 .....	55: 1
(\$1.50) .....	70: 35; 71: 30	Act of Mar. 3, 1891 .....	60: 35
For certificate of registration—		Act of Jan. 7, 1904 .....	71: 30
State laws—		Foreign authors (what) may se-	
Maryland, act of Apr. 21,		cure copyright:	
1783 (3s. 9d.) .....	16: 25	Act of Mar. 3, 1891 .....	63: 40
South Carolina, act of Mar.		Act of Jan. 7, 1904 .....	70: 5; 71: 20
26, 1784 .....	23: 10	Act of Mar. 3, 1905 .....	72: 20
Virginia, act of Oct., 1785.		Fee for recording titles of works	
United States laws—		of, act of Mar. 3, 1891 .....	61: 35
May 31, 1790 (60 cts.) ....	34: 1	Allowed a year to print U. S.	
Feb. 31, 1831 (50 cts.) ....	38: 20	edition, act of Mar. 3, 1905.	72: 35
July 8, 1870 (50 cts.) ....	48: 5	Foreign books:	
Rev. Stat., sec. 4958 (50		New editions of, may be copy-	
cts.) .....	55: 20	righted, act of Mar. 3, 1891.	62: 20
Mar. 3, 1891 (50 cts.) ....	61: 25	Translation into English of,	
For recording assignment—		type set in U. S. may be	
South Carolina, act of Mar.		copyrighted—	
26, 1784 .....	23: 5	Act of Jan. 7, 1904 .....	71: 5
United States laws—		Act of Mar. 3, 1905 .....	72: 35
June 30, 1834 .....	42: 10	Title of, for U. S. edition, must	
July 8, 1870 .....	48: 5	be filed, act of Mar. 3, 1905.	72: 35

Foreign countries having copy- right relations with U. S. <i>See</i> Copyright proclamations.	p. 1.	France, proclamation extending copyright to citizens of, July 1, 1891 .....	p. 1. 87: 5
Foreign languages, books in: May be imported—		Franking privilege. <i>See</i> Free transmission.	
South Carolina, act of Mar. 26, 1784.....	23: 15	Free list:	
U. S. act of Mar. 3, 1891....	61: 15	Tariff act of 1890 .....	115: 25
Treasury decisions. 130: 35;	132: 25	Tariff act of 1897 .....	116: 1
Published abroad, may secure copyright, act of Mar. 3, 1905.	72: 20	Free transmission of copyright deposits:	
Foreign newspapers and periodi- cals, transmission through the mails, act of Mar. 3, 1879.....	58: 40	Act of Mar. 3, 1855.....	42: 35
Foreign works, importation and printing of, permitted:		Act of Mar. 3, 1865.....	44: 40
State laws—		Act of Feb. 18, 1867.....	45: 40
North Carolina, act of Nov. 19, 1785.....	26: 45	Act of July 8, 1870.....	48: 23
South Carolina, act of Mar. 26, 1784.....	23: 15	Act of June 8, 1872.....	52: 8
United States laws—		Act of Mar. 3, 1873.....	113: 32
May 31, 1790.....	34: 10	Georgia, copyright act of Feb. 3, 1786 .....	27: 8
Feb. 3, 1831.....	39: 45	Germany, proclamation extend- ing copyright to citizens of, Apr. 15, 1892.....	88: 1
July 8, 1870.....	50: 5	Government publications not copyrightable, act of Jan. 12, 1895 .....	65: 20
Rev. Stat., sec. 4971.....	57: 30	Great Britain, proclamation ex- tending copyright to citizens of, July 1, 1891.....	87: 5
Forfeiture:		Greek, books in, may be im- ported, South Carolina, act of Mar. 26, 1784.....	23: 15
Of unlawful copies—		Harvard College. <i>See</i> Univer- sity of Cambridge.	
State laws—		Hawaii .....	78: 1
Maryland, act of Apr. 21, 1783 .....	15: 45	Text of copyright law of June 23, 1888.....	80: 5
North Carolina, act of Nov. 19, 1785.....	26: 5	Repeal of copyright law of, U. S. act, Apr. 30, 1900.....	79: 35
South Carolina, act of Mar. 26, 1784.....	22: 22	Heirs may secure copyright—	
United States laws—		State laws—	
May 31, 1790.....	33: 10	Connecticut, act of Jan. sess., 1783 .....	12: 5
Feb. 3, 1831.....	39: 10	Georgia, act of Feb. 3, 1786.	27: 20
July 8, 1870.....	49: 10	Massachusetts, act of Mar. 17, 1783.....	14: 25
Rev. Stat., secs. 4964, 4965 .....	56: 25, 40	New Hampshire, act of Nov. 7, 1783.....	18: 20
Mar. 3, 1891.....	62: 40; 63: 15	New Jersey, act of May 27, 1783 .....	17: 5
Of unlawful plates—		New York, act of Apr. 29, 1786 .....	29: 25
United States laws—		North Carolina, act of Nov. 19, 1785.....	25: 40
Apr. 29, 1802.....	35: 43	Pennsylvania, act of Mar. 15, 1784.....	20: 30
Feb. 3, 1831.....	39: 30		
July 8, 1870.....	49: 25		
Rev. Stat., sec. 4965 .....	56: 40		
Mar. 3, 1891.....	63: 15		
Mar. 2, 1895.....	66: 5		
In case of illegal importation, Rev. Stat., sec. 3082.....	142: 25		
Form of copyright record. <i>See</i> Record, copyright.			

Heirs may secure copyright—	p. 1.	Importation—Continued.	p. 1.
Continued.		Exceptions to prohibition of,	
State laws—Continued.		act of Mar. 3, 1891 .....	61: 5
Rhode Island, act of Dec.		Of books in foreign languages,	
sess., 1783.....	19: 25	of which only translations	
Virginia, act of Oct., 1785..	24: 35	are copyrighted, permitted,	
United States laws—		act of Mar. 3, 1891 .....	61: 15
Aug. 18, 1856.....	43: 10	Two copies of book may be	
Jan. 7, 1904.....	70: 10	imported at one time, act of	
Helmuth (Wm. Tod), copyright		Mar. 3, 1891 .....	61: 10
in his "System of surgery "		Of articles bearing false notice	
granted to, act of June 23, 1874.	76: 40	prohibited—	
Herndon (Mrs. William L.),		Act of Mar. 3, 1897 .....	69: 5
copyright in "Explorations of		Penalty for, act of Mar. 3,	
the Valley of the Amazon "		1897 .....	69: 1
granted to, act of May 24, 1866.	76: 25	Of copyrighted music—	
Historical or other prints copy-		Opin. of Attorney-General,	
rightable, act of Apr. 29, 1802.	35: 15	June 5, 1901.....	117: 1
"History, statistics, etc., of the		Treasury decision, Aug. 10,	
Indian tribes," copyright in,		1901 .....	116: 30
act of Jan. 25, 1859 .....	76: 1	Opin. of Attorney-General;	
Holland, proclamation extend-		Feb. 7, 1898.....	126: 25
ing copyright to citizens of,		Treasury decision, Apr. 17,	
Nov. 20, 1899.....	96: 1	1899 .....	131: 15
Illustrations, pictorial, "engrav-		Of copyrighted dramatic com-	
ing," "cut," and "print" ap-		position—	
plied to, act of June 18, 1874..	58: 15	Opin. of Attorney-General,	
Immoral productions, publica-		Jan. 19, 1901.....	134: 1
tion of, prohibited:		Treasury decision, Jan. 26,	
Georgia, act of Feb. 3, 1786....	29: 1	1901 .....	133: 10
New York, act of Apr. 29,		Of chromos of copyrighted	
1786 .....	31: 10	painting—	
North Carolina, act of Nov. 19,		Opin. of Attorney-General,	
1785 .....	27: 1	Oct. 3, 1896.....	124: 30
Importation:		Treasury decision, Oct. 13,	
Of foreign works permitted—		1896 .....	125: 45
State laws—		Regulations for, made by Sec-	
North Carolina, act of Nov.		retary of Treasury and Post-	
19, 1785.....	26: 45	master-General, act of Mar.	
South Carolina, act of Mar.		3, 1891 .....	62: 5
26, 1784.....	23: 15	Customs regulations, 1899....	119: 30
United States laws—		Destruction of invalid impor-	
May 31, 1790 .....	34: 10	tations—	
Feb. 3, 1831 .....	39: 45	Opin. of Attorney-General..	128: 20
July 8, 1870 .....	50: 5	Customs regulation .....	120: 40
Rev. Stat., sec. 4971.....	57: 30	Customs officers to record un-	
Of copyrighted books, chromos,		lawful importations. Treas-	
lithographs, or photographs,		ury decision.....	130: 20
prohibited, act of Mar. 3,		Forfeiture in case of illegal,	
1891 .....	61: 1	Rev. Stat., sec. 3082.....	142: 25
Of books printed in foreign		List of articles on free list—	
country from type set in		Tariff act of 1890 .....	115: 25
U. S., Treasury decision ....	141: 35	Tariff act of 1897 .....	116: 1

<b>Importation—Continued.</b>	p. l.	<b>Infringement of copyright—Con.</b>	p. l.
Under interim copyright act		Of print, act of Apr. 29, 1802...	35: 30
of Jan. 7, 1904	142: 35	Penalties for. <i>See</i> Penalties.	
<b>Infringement of copyright:</b>		<b>Injunction:</b>	
State laws—		Courts may grant—	
Connecticut, act of Jan. sess.,		Act of Feb. 15, 1819	36: 40
1783	12: 10	Act of July 8, 1870	50: 25
Georgia, act of Feb. 3, 1786.	27: 25	Rev. Stat., sec. 4970	57: 25
Maryland, act of Apr. 21,		To restrain unauthorized pub-	
1783	15: 35	lication of manuscript, act of	
Massachusetts, act of Mar.		Feb. 3, 1831	40: 15
17, 1783	14: 30	To restrain unauthorized per-	
New Hampshire, act of Nov.		formance or representation,	
7, 1783	18: 25	act of Jan. 6, 1897	67: 5
New Jersey, act of May 27,		To restrain publication of ar-	
1783	17: 10	ticles bearing false notice, act	
New York, act of Apr. 29,		of Mar. 3, 1897	69: 10
1786	29: 30	Certified copies of papers filed,	
North Carolina, act of Nov.		act of Jan. 6, 1897	67: 25
19, 1785	26: 1	<b>Interim copyright:</b>	
Pennsylvania, act of Mar. 15,		Term of—	
1784	20: 35	For Louisiana Purchase Ex-	
Rhode Island, act of Dec.		position, act of Jan. 7, 1904.	71: 1, 25
sess., 1783	19: 35	For book printed abroad in	
South Carolina, act of Mar.		foreign language, act of	
26, 1784	22: 10	Mar. 3, 1905	72: 35
Virginia, act of Oct., 1785	25: 1	Extension of, for U. S. edi-	
<b>Of book—</b>		tion—	
United States laws—		Act of Jan. 7, 1904	71: 10
May 31, 1790	32: 40	Act of Mar. 3, 1905	72: 40
Feb. 3, 1831	38: 45	<b>Importation under act of Jan.</b>	
July 8, 1870	49: 5	7, 1904	142: 35
Rev. Stat., sec. 4964	56: 20	<b>Interior, Department of the:</b>	
Mar. 3, 1891	62: 35	Removal of copyright deposits	
<b>Of dramatic composition—</b>		to, act of Feb. 5, 1859	43: 40
Aug. 18, 1856	43: 15	Removal of copyright deposits	
July 8, 1870	49: 35	from, to Library of Congress,	
Rev. Stat., sec. 4966	57: 5	act of July 8, 1870	50: 35
Jan. 6, 1897	66: 35	<b>International copyright:</b>	
<i>See also</i> State laws to prohibit		Provisions for—	
unlawful performance.		Act of Mar. 3, 1891	63: 40
<b>Of map or chart, act of May</b>		Act of Mar. 3, 1905	72: 45
31, 1790	33: 1	Proclamations establishing...	87: 1
<b>Of map, chart, musical com-</b>		<b>Inventor:</b>	
position, print, cut, or en-		Exclusive right to discoveries—	
graving, act of Feb. 3, 1831.	39: 20	U. S. Constitution, Sept. 17,	
<b>Of map, chart, musical com-</b>		1787	31: 40
position, print, cut, engrav-		<b>Named as copyright proprie-</b>	
ing, photograph, chromo,		tor—	
painting, etc.—		Act of Feb. 3, 1831	37: 15, 30
Act of July 8, 1870	49: 15	Act of July 8, 1870	46: 35; 47: 5
Rev. Stat., sec. 4965	56: 30	Rev. Stat., sec. 4952	54: 5, 20
Act of Mar. 3, 1891	63: 5	Act of Mar. 3, 1891	59: 35; 60: 5
Act of Mar. 2, 1895	65: 35	Act of Mar. 3, 1905	72: 5



Italy, proclamation extending copyright to citizens of, Oct. 31, 1892.....	p. l. 89: 40	Librarian of Congress—Con.	p. l.
Izard (Randolph), of South Carolina, Colonial Cong., May 2, 1783.....	11: 1	May sue in case of failure to deposit copies—	
Japan, proclamation extending copyright to citizens of, May 17, 1906.....	103: 20	Act of Feb. 18, 1867.....	45: 35
Jones (Judson), copyright in his "Alphabet of Orthoepey" declared valid, act of Feb. 17, 1898.....	77: 30	Act of July 8, 1870.....	48: 20
Jurisdiction of courts in copyright cases:		Rev. Stat., sec. 4960.....	55: 40
Act of Feb. 15, 1819.....	36: 35	To preserve and control records relating to copyright—	
Act of Feb. 3, 1831.....	40: 10	Act of July 8, 1870.....	46: 15
Act of July 8, 1870.....	50: 20	Rev. Stat., sec. 4948.....	53: 30
Rev. Stat., secs. 629, 4970. 52: 20;	57: 20	To furnish titles of copyright entries to Secretary of Treasury, act of Mar. 3, 1891.....	61: 40
Act of Feb. 9, 1893.....	64: 15	Annual report to Congress—	
Act of Jan. 6, 1897.....	67: 5	Act of July 8, 1870.....	46: 30
Justice, Department of, decisions.....pp.	82, 84, 114, 117, 120, 124, 126, 128, 134, 138	Rev. Stat., sec. 4951.....	54: 1
Labels:		Act of Feb. 19, 1897.....	68: 15
Can not be entered at Copyright Office, act of June 18, 1874.....	58: 20	Bond of—	
May be registered at Patent Office, act of June 18, 1874.....	58: 20	Act of July 8, 1870 (\$5,000).....	46: 20
Fee for such registration, act of June 18, 1874.....	58: 25	Rev. Stat., sec. 4950 (\$5,000).....	53: 40
Latin, books in, may be imported, South Carolina, act of Mar. 26, 1784.....	23: 15	Act of Feb. 19, 1897 (\$20,000).....	68: 15
Laws, copyright. <i>See</i> Copyright acts.		Duties of—	
Legal works, Patent Office entitled to duplicate copies deposited, act of July 8, 1870.....	51: 5	Act of July 8, 1870.....	46: 20
Librarian of Congress:		Rev. Stat., sec. 4948.....	53: 35
Required to give receipt for copy deposited, act of Mar. 3, 1865.....	44: 40.	Salary of, act of July 8, 1870 (\$4,000).....	46: 30
To demand copies in case of failure to deposit, act of Mar. 3, 1865.....	45: 5	Seal of—	
To record title of book or other articles—		Act of July 8, 1870.....	46: 20
Act of July 8, 1870.....	47: 35	Rev. Stat., sec. 4949.....	53: 40
Rev. Stat., sec. 4957.....	55: 1	Library of Congress:	
To give copy of copyright record—		Removal of copyright deposits to, act of July 8, 1870.....	50: 40
Act of July 8, 1870.....	47: 45	Copyright records preserved and kept in—	
Rev. Stat., sec. 4957.....	55: 20	Act of July 8, 1870.....	46: 15
		Rev. Stat., sec. 4948.....	53: 35
		Copies required to be deposited in—	
		Act of Aug. 10, 1846.....	42: 20
		Act of Mar. 3, 1865.....	44: 40
		Act of July 8, 1870.....	48: 10
		Rev. Stat., secs. 4956, 4959.....	54: 40; 55: 30
		Act of Mar. 3, 1891.....	60: 30
		Act of Jan. 7, 1904.....	70: 20
		Act of Mar. 3, 1905.....	72: 25
		License to print in case of insufficient edition:	
		Connecticut, act of Jan. sess., 1783.....	13: 10
		Georgia, act of Feb. 3, 1786.....	28: 25
		New York, act of Apr. 29, 1786.....	30: 35
		South Carolina, act of Mar. 26, 1784.....	23: 35

Liddell & Scott's "Greek-English Lexicon," importation of.	p. l.	Manuscript, printing of—Cont'd.	p. l.
Limitation of actions:	137: 40	State laws—Continued.	
State laws—		Georgia, act of Feb. 5,	
Maryland, act of Apr. 21,		1786 .....	28: 35
1783, twelve months.....	16: 25	New York, act of Apr. 29,	
South Carolina, act of Mar.		1786 .....	30: 45
26, 1784, three months... ..	24: 10	United States laws—	
United States laws—		May 31, 1790 .....	34: 20
May 31, 1790, one year.....	33: 20	Feb. 3, 1831.....	40: 3
Apr. 29, 1802, two years....	36: 20	July 8, 1870.....	50: 1
Feb. 3, 1831, two years.....	40: 30	Rev. Stat., sec. 4967.....	57: 10
July 8, 1870, two years.....	50: 10	Mar. 3, 1891.....	63: 25
Rev. Stat., sec. 4968, two		Map:	
years .....	57: 15	May be copyrighted—	
Literary production. See Book.		State laws—	
Literary property. See Copy-		Connecticut, act of Jan.	
right.		sess., 1783.....	12: 1
Lithograph:		Georgia, act of Feb. 3, 1786	27: 20
Copies deposited must be made		North Carolina, act of Nov.	
in United States—		19, 1785.....	25: 40
Act of Mar. 3, 1891 .....	60: 40	United States laws—	
Act of Jan. 7, 1904.....	71: 10	May 31, 1790 .....	32: 10, 25
Deposit of one copy of foreign,		Feb. 3, 1831.....	37: 15
required for interim term,		July 8, 1870.....	46: 36
act of Jan. 7, 1904.....	70: 15	Rev. Stat., sec. 4952.....	54: 5
Importation of copyrighted,		Mar. 3, 1891.....	59: 35
prohibited, act of Mar. 3,		Jan. 7, 1904.....	70: 5
1891 .....	60: 40	Mar. 3, 1905.....	72: 10
Louisiana, penalty for unauthor-		Printed title of, required to be	
ized representation, act of July		filed—	
9, 1900.....	106: 30	Act of May 31, 1790.....	33: 25
Louisiana Purchase Exposition,		Act of Feb. 3, 1831.....	38: 5
act of Jan. 7, 1904.....	70: 1	Act of July 8, 1870.....	47: 25
Madison (James), of Virginia,		Rev. Stat., sec. 4956.....	54: 35
Colonial Cong., May 2, 1783..	11: 1	Act of Mar. 3, 1891 .....	60: 25
Magazines. See Newspapers.		One copy of, required to be	
Mails:		deposited—	
Free transmission of copyright		Act of May 31, 1790.....	34: 5
matter through the—		Act of Feb. 3, 1831.....	38: 25
Act of Mar. 3, 1855 .....	42: 35	Act of Jan. 7, 1904, for in-	
Act of Mar. 3, 1865.....	44: 40	terim term, L. P. E.....	70: 15
Act of Feb. 18, 1867.....	45: 40	Two copies of, required to be	
Act of July 8, 1870 .....	48: 23	deposited—	
Act of June 8, 1872 .....	52: 8	Act of Aug. 10, 1846.....	42: 20
Act of Mar. 3, 1873 .....	113: 32	Act of July 8, 1870..	47: 30; 48: 10
Transmission through the, of		Rev. Stat., secs. 4956,	
publications violating copy-		4959.....	50: 40; 55: 30
right, prohibited, act of		Act of Mar. 3, 1891 .....	60: 30
Mar. 3, 1879.....	59: 1	Maryland, copyright act, Apr.	
Manuscript, printing of, without		21, 1783.....	15: 20
consent, prohibited—		Massachusetts:	
State laws—		Copyright act, Mar. 17, 1783..	14: 6
Connecticut, act of Jan.		Penalty for unauthorized rep-	
sess., 1783.....	13: 15	resentation, act of Mar. 29,	
		1904 .....	109: 10

Massachusetts Bay Colony, judgment in answer to petition of John Vsher, May 15, 1872.....	p. 1. 113: 17	Musical composition—Cont'd.	p. 1.
Mechanical works, Patent Office entitled to duplicate copies deposited, act of July 8, 1870....	51: 7	Two copies of, required to be deposited—Continued.	
Mexico, proclamation extending copyright to citizens of, Feb. 27, 1896.....	93: 15	Act of July 8, 1870 ...	47: 30; 48: 10
Michigan:		Rev. Stat., secs. 4956, 4959.....	54: 40; 55: 30
Unauthorized representation of dramatic or musical compositions prohibited, act of June 16, 1905.....	112: 1	Act of Mar. 3, 1891.....	60: 30
Minnesota, penalty for unauthorized representation, act of Mar. 15, 1905.....	109: 35	Act of Jan. 7, 1904, for U. S. ed.....	71: 10
Model for work of fine arts:		Penalties for unlawful performance—	
May be copyrighted—		U. S. act of Jan. 6, 1897....	66: 35
Act of July 8, 1870.....	48: 38	State laws—	
Rev. Stat., sec. 4952.....	54: 7	California, act of Mar. 18, 1905.....	110: 35
Act of Mar. 3, 1891.....	59: 36	Connecticut, act of June 7, 1905.....	111: 35
Act of Jan. 7, 1904.....	71: 20	Louisiana, act of July 9, 1900.....	106: 35
Act of Mar. 3, 1905.....	72: 10	Massachusetts, act of Mar. 29, 1904.....	109: 25
Deposit of description and photograph required—		Michigan, act of June 16, 1905.....	112: 20
Act of July 8, 1870.....	47: 25	Minnesota, act of Mar. 15, 1905.....	109: 5
Rev. Stat., sec. 4956.....	54: 35	New Hampshire, act of Mar. 13, 1895.....	105: 30
Act of Mar. 3, 1891.....	60: 25	New Jersey, act of Apr. 10, 1902.....	109: 1
Act of Jan. 7, 1904.....	71: 28	New York, act of Sept. 1, 1899.....	106: 10
Molded decorative articles, notice of copyright on, act of Aug. 1, 1882.....	59: 15	Ohio, act of Mar. 25, 1902.....	108: 20
Musical composition:		Oregon, act of Feb. 27, 1901.....	107: 25
May be copyrighted—		Pennsylvania, act of May 29, 1901.....	108: 1
Act of Feb. 3, 1831.....	37: 15	Wisconsin, act of June 1, 1905.....	111: 10
Act of July 8, 1870.....	46: 36	Injunction in case of fraudulent performance, U. S. act, Jan. 6, 1897.....	67: 5
Rev. Stat., sec. 4952.....	54: 5	Importation of copyrighted—	
Act of Mar. 3, 1891.....	59: 35	Opinions of Attorney-General.....	117: 1; 131: 15
Act of Jan. 7, 1904.....	70: 10	Treasury decision.....	116: 30
Act of Mar. 3, 1905.....	72: 10	Destruction of unlawfully imported—	
Printed title of, required to be filed—		Opin. of Attorney-General..	128: 20
Act of Feb. 3, 1831.....	38: 5	Customs regulation.....	120: 40
Act of July 8, 1870.....	47: 25	Name of author required to be printed on work:	
Rev. Stat., sec. 4956.....	54: 35	Massachusetts, act of Mar. 17, 1783.....	14: 25
Act of Mar. 3, 1891.....	60: 25	New Hampshire, act of Nov. 7, 1783.....	18: 15
One copy of, required to be deposited—			
Act of Feb. 3, 1831.....	34: 5		
Act of Jan. 7, 1904, for interim term, L. P. E.....	70: 20		
Two copies of, required to be deposited—			
Act of Aug. 10, 1846.....	42: 25		

Name of author required to be printed on work—Cont'd.	p. 1.	New York—Continued.	p. 1
Rhode Island, act of Dec. sess., 1783 .....	19: 25	Act to prohibit unlawful representation, Sept. 1, 1899....	106: 1
Nature and extent of copyright: State laws—		Newspapers and magazines exempted from prohibition of importation, act of Mar. 3, 1891 .....	61: 10
Connecticut, Jan. sess., 1783.	12: 5	Newspapers and periodicals, foreign, transmission through the mails, act of Mar. 3, 1879 ....	58: 40
Georgia, Feb. 3, 1786 .....	27: 20	<i>See also</i> Periodical.	
Maryland, Apr. 21, 1783....	15: 30	North Carolina, copyright act, Nov. 19, 1785.....	25: 30
Massachusetts, Mar. 17, 1783	14: 25	Norway, proclamation extending copyright to citizens of, July 1, 1905.....	98: 1
New Hampshire, Nov. 7, 1783	18: 20	Notice of copyright:	
New Jersey, May 27, 1783..	17: 5	Copy of record required to be inserted in book, act of Apr. 29, 1802.....	35: 5
New York, Apr. 29, 1786....	29: 25	Form of, for map, chart, or print, act of Apr. 29, 1802..	35: 5, 25
North Carolina, Nov. 19, 1785	25: 40	Form prescribed to be inserted—	
Pennsylvania, Mar. 15, 1784.	20: 30	Act of Feb. 3, 1831 .....	38: 40
Rhode Island, Dec. sess., 1783 .....	19: 25	Act of July 8, 1870 .....	48: 40
South Carolina, Mar. 26, 1784	22: 5	Rev. Stat., sec. 4962 .....	56: 10
Virginia, Oct., 1785.....	24: 35	Act of June 18, 1874 .....	58: 5
United States laws—		In foreign book, act of Mar. 3, 1905 .....	72: 30
May 31, 1790.....	32: 20	On molded decorative articles, act of Aug. 1, 1882.....	59: 15
Apr. 29, 1802.....	35: 20	Penalty for false, \$100—	
Feb. 3, 1831.....	37: 20	Act of Apr. 29, 1802 .....	36: 15
Aug. 18, 1856.....	43: 10	Act of Feb. 3, 1831 .....	40: 25
July 8, 1870.....	46: 40	Act of July 8, 1870 .....	49: 1
Rev. Stat., sec. 4952 .....	54: 10	Rev. Stat., sec. 4963 .....	56: 15
Mar. 3, 1891.....	59: 40	Act of Mar. 3, 1891 .....	62: 25
Jan. 7, 1904.....	70: 10	Act of Mar. 3, 1897 .....	69: 1
Mar. 3, 1905.....	72: 15	Importation of articles bearing false, prohibited, act of Mar. 3, 1897.....	69: 5
Negatives, photographic, may be copyrighted:		Ohio, penalty for unauthorized representation, act of Mar. 25, 1902 .....	108: 10
Act of Mar. 3, 1865 .....	44: 30	Opinions of the Attorney-General. <i>See</i> Attorney-General.	
Act of July 8, 1870.....	46: 35	Oregon, penalty for unauthorized representation, act of Feb. 27, 1901 .....	107: 11
Rev. Stat., sec. 4952 .....	54: 5	Original copyright act of the United States, May 31, 1790..	32: 1
Act of Mar. 3, 1891 .....	59: 35	Painting:	
Act of Mar. 3, 1905 .....	72: 10	May be copyrighted—	
Netherlands, proclamation extending copyright to citizens of, Nov. 20, 1899.....	96: 1	Act of July 8, 1870.....	46: 38
New editions. <i>See</i> Editions, new.			
New Hampshire:			
Copyright act, Nov. 7, 1783...	18: 1		
Repealed, Dec. 23, 1842....	18: 39		
Act to protect uncopyrighted or unpublished articles, Mar. 13, 1895.....	105: 15		
New Jersey:			
Copyright act, May 27, 1783..	16: 40		
Repealed, 1799 .....	17: 37		
Penalty for unauthorized representation, act of Apr. 10, 1902 .....	108: 35		
New York:			
Copyright act, Apr. 29, 1786..	29: 16		

Painting—Continued.	p. l.	Penalties—Continued.	p. l.
May be copyrighted—Cont'd.		For infringement of copy- right—Continued.	
Rev. Stat., sec. 4952 .....	54: 7	United States laws—Cont'd.	
Act of Mar. 3, 1891 .....	59: 36	Of book—Continued.	
Act of Jan. 7, 1904 .....	71: 20	Feb. 3, 1831 .....	39: 5
Act of Mar. 3, 1905 .....	72: 10	July 8, 1870 .....	49: 10
Deposit of description and photograph required—		Rev. Stat., sec. 4964 .....	56: 25
Act of July 8, 1870 .....	47: 25	Mar. 3, 1891 .....	62: 40
Rev. Stat., sec. 9956 .....	54: 35	Of map or chart, May 31, 1790 .....	33: 10
Act of Mar. 3, 1891 .....	60: 25	Of map, chart, musical composition, print, cut, or engraving—	
Act of Jan. 7, 1904 .....	71: 28	Feb 3, 1831 .....	39: 30
Pamphlet may be copyrighted—		July 8, 1870 .....	49: 25
Connecticut, act of Jan. sess.,		Rev. Stat., sec. 4965 .....	56: 40
1783 .....	12: 1	Mar. 3, 1891 .....	63: 15
Georgia, act of Feb. 3, 1786 .....	27: 20	Mar. 2, 1895 .....	66: 5
New Jersey, act of May 27,		Of painting, statue, or stat- uary, etc.—	
1783 .....	17: 5	July 8, 1870 .....	49: 30
New York, act of Apr. 29,		Rev. Stat., sec. 4965 .....	56: 45
1786 .....	29: 25	Mar. 3, 1891 .....	63: 20
Pennsylvania, act of Mar. 15,		Mar. 2, 1895 .....	66: 10, 20
1784 .....	20: 25	Of photograph, Mar. 2, 1895 .....	66: 10
Virginia, act of Oct., 1785 ..	24: 30	Of print, Apr. 29, 1802 ..	35: 40
Patent Office, duplicate copies of scientific works, etc., to be de- posited in, act of July 8, 1870.	51: 7	For printing manuscript with- out consent—	
Penalties:		State laws—	
For infringement of copy- right—		Connecticut, act of Jan. sess., 1783 .....	13: 15
State laws—		Georgia, act of Feb. 3, 1786 ..	28: 35
Connecticut, act of Jan.		New York, act of Apr. 29,	
sess., 1783 .....	12: 15	1786 .....	30: 45
Georgia, act of Feb. 3,		United States laws—	
1786 .....	27: 30	May 31, 1790 .....	34: 20
Maryland, act of Apr. 21,		Feb. 3, 1831 .....	40: 3
1783 .....	15: 45	July 8, 1870 .....	50: 1
Massachusetts, act of Mar.		Rev. Stat., sec. 4967 .....	57: 10
17, 1783 .....	14: 35	Mar. 3, 1891 .....	63: 25
New Hampshire, act of		For unauthorized performance of dramatic composition—	
Nov. 7, 1783 .....	18: 30	United States laws—	
New Jersey, act of May 27,		Aug. 18, 1856 .....	43: 15
1783 .....	17: 15	July 8, 1870 .....	49: 40
New York, act of Apr. 29,		Rev. Stat., sec. 4966 .....	57: 5
1786 .....	29: 35	For unauthorized performance of dramatic or musical composition—	
North Carolina, act of		Act of Jan. 6, 1897 .....	66: 35
Nov. 19, 1785 .....	26: 5	State laws—	
Pennsylvania, act of Mar.		California, act of Mar. 18,	
15, 1784 .....	20: 40	1905 .....	110: 35
Rhode Island, act of Dec.			
sess., 1783 .....	19: 35		
South Carolina, act of Mar.			
26, 1784 .....	22: 20		
Virginia, act of Oct., 1785 ..	25: 10		
United States laws—			
Of book—			
May 31, 1790 .....	33: 10		

- Penalties—Continued. p. 1.
- For unauthorized performance of dramatic or musical composition—Continued.
- State laws—Continued.
- Connecticut, act of June 7, 1905 ..... 111: 35
- Louisiana, act of July 9, 1900 ..... 106: 35
- Massachusetts, act of Mar. 29, 1904 ..... 109: 25
- Michigan, act of June 16, 1905 ..... 112: 20
- Minnesota, act of Mar. 15, 1905 ..... 110: 5
- New Hampshire, act of Mar. 13, 1895 ..... 105: 30
- New Jersey, act of Apr. 10, 1902 ..... 109: 1
- New York, act of Sept. 1, 1899 ..... 106: 10
- Ohio, act of Mar. 25, 1902 ..... 108: 20
- Oregon, act of Feb. 27, 1901 ..... 107: 25
- Pennsylvania, act of May 29, 1901 ..... 108: 1
- Wisconsin, act of June 1, 1905 ..... 111: 10
- For failure to deposit copies, \$25—
- Act of Feb. 18, 1867 ..... 45: 35
- Act of July 8, 1870 ..... 48: 17
- Rev. Stat., sec. 4960 ..... 55: 36
- For false notice of copyright, \$100—
- Act of Apr. 29, 1802 ..... 36: 15
- Act of Feb. 3, 1831 ..... 40: 25
- Act of July 8, 1870 ..... 49: 1
- Rev. Stat., sec. 4963 ..... 56: 15
- Act of Mar. 3, 1891 ..... 62: 25
- Act of Mar. 3, 1897 ..... 69: 1
- For selling above price fixed by court, North Carolina, act of Nov. 19, 1785 ..... 26: 35
- See also* Suits for infringement.
- Pennsylvania:
- Copyright act, Mar. 15, 1784 ..... 20: 1
- Unauthorized representation prohibited, act of May 29, 1901 ..... 107: 35
- Performance. *See* Representation.
- Periodical, each number of, requires separate copyright entry, act of Mar. 3, 1891... 63: 35
- See also* Newspapers.
- Philippine Islands ..... 78: 15; p. 82
- Treaty of peace between United States and Spain, 1899 ..... 99: 10
- Typesetting in the ..... 84: 10; 114: 5
- Photograph:
- May be copyrighted—
- Act of Mar. 3, 1865 ..... 44: 30
- Act of July 8, 1870 ..... 46: 35
- Rev. Stat., sec. 4952 ..... 54: 5
- Act of Mar. 3, 1891 ..... 59: 35
- Act of Jan. 7, 1904 ..... 70: 5
- Act of Mar. 3, 1905 ..... 72: 10
- Printed title of, required to be filed—
- Act of July 8, 1870 ..... 47: 25
- Rev. Stat., sec. 4956 ..... 54: 35
- Act of Mar. 3, 1891 ..... 60: 25
- Two copies of, required to be deposited—
- Act of July 8, 1870... 47: 30; 48: 10
- Rev. Stat., secs. 4956, 4959 ..... 54: 40; 55: 30
- Act of Mar. 3, 1891 ..... 60: 35
- Act of Jan. 7, 1904, for U. S. ed ..... 71: 10
- One copy of foreign, required to be deposited for interim term, act of Jan. 7, 1904... 70: 20
- Copies deposited must be printed from negatives made in U. S.—
- Act of Mar. 3, 1891 ..... 60: 35
- Act of Jan. 7, 1904, for U. S. ed ..... 71: 5
- Importation of copyrighted, prohibited, act of Mar. 3, 1891 ..... 60: 40
- Penalty for infringement of, act of Mar. 2, 1895 ..... 66: 15
- Photograph of work of the fine arts required to be deposited:
- Act of July 8, 1870 ..... 47: 30; 48: 10
- Rev. Stat., sec. 4956 ..... 55: 1
- Act of Mar. 3, 1891 ..... 60: 35
- Act of Jan. 7, 1904 ..... 71: 30
- Photographic negatives. *See* Negatives, photographic.
- Pictorial illustrations, "engraving," "cut," and "print" applied to, act of June 18, 1874... 58: 15

	p. l.	Print—Continued.	p. l.
Piracy. <i>See</i> Infringement of copyright.		Two copies of, required to be deposited—	
Plates not made in U. S. prohibited importation, act of Mar. 3, 1891 .....	61: 1	Act of Aug. 10, 1846 .....	42: 25
Plates, unlawful. <i>See</i> Unlawful plates.		Act of July 8, 1870 ...	47: 30; 48: 10
Porto Rico.....	78: 15	Rev. Stat., secs. 4956, 4959.....	54: 40; 55: 30
Treaty of peace between United States and Spain, 1899.....	99: 10	Act of Mar. 3, 1891 .....	60: 35
Portugal: Proclamation extending copyright to citizens of, July 20, 1893 .....	91: 25	Statutory definition of, act of June 18, 1874.....	58: 15
Postmaster shall give receipt for copy mailed:		Print for article of manufacture:	
Act of Feb. 18, 1867 .....	46: 1	Can not be entered at Copyright Office, act of June 18, 1874 .....	58: 20
Act of July 8, 1870.....	48: 30	May be registered at Patent Office, act of June 18, 1874 ..	58: 20
Rev. Stat., sec. 4961 .....	56: 1	Fee for such registration, act of June 18, 1874 .....	58: 25
Postmaster-General to make rules regarding importation, act of Mar. 3, 1891 .....	62: 5	Private copyright acts. <i>See</i> Copyright acts, private.	
Post-Office, Department of the, joint regulations for Dept. of Treasury and.....	120: 15	Proclamations extending copyright to citizens of foreign countries.....	87: 1
Price, court may regulate if unreasonable:		Profane productions, publication of, illegal:	
Connecticut, act of Jan. sess., 1783 .....	12: 40	Connecticut, act of Jan. sess., 1783 .....	13: 30
Georgia, act of Feb. 3, 1786....	28: 10	Georgia, act of Feb. 3, 1786 ..	29: 1
New York, act of Apr. 29, 1786..	30: 20	New York, act of Apr. 29, 1786 .....	31: 5
North Carolina, act of Nov. 19, 1785 .....	26: 25	Prohibition of importation of copyrighted articles, act of Mar. 3, 1891.....	60: 40
South Carolina, act of Mar. 26, 1784 .....	33: 20	Exemptions from, act of Mar. 3, 1891 .....	61: 5
Print:		Proprietor, copyright:	
May be copyrighted—		May secure copyright—	
Act of Apr. 29, 1802.....	35: 15	Act of July 8, 1870 ....	46: 35; 47: 5
Act of Feb. 3, 1831.....	37: 15	Rev. Stat., sec. 4952.....	54: 5, 20
Act of July 8, 1870.....	46: 35	Act of Mar. 3, 1891 .....	59: 35; 60: 5
Rev. Stat., sec. 4952 .....	54: 5	Act of Mar. 3, 1905 .....	72: 10
Act of Mar. 3, 1891 .....	59: 35	May obtain copies of record—	
Act of Jan. 7, 1904 .....	70: 5	Act of July 8, 1870.....	47: 45
Act of Mar. 3, 1905 .....	72: 10	Rev. Stat., sec. 4957 .....	55: 10
Statutory formalities, act of Apr. 29, 1802.....	35: 25	Entry of consent to publish required, South Carolina, act of Mar. 26, 1784 .....	23: 1
Printed title of, required to be filed—		Public documents not copyrightable, act of Jan. 12, 1895.....	65: 20
Act of Feb. 3, 1831 .....	38: 5	Publication required in newspapers:	
Act of July 8, 1870.....	47: 25	Of copyright record, act of May 31, 1790.....	34: 5
Rev. Stat., sec. 4956.....	54: 35	Of renewal term—	
Act of Mar. 3, 1891 .....	60: 25	Act of Feb. 3, 1831.....	37: 40
One copy of, required to be deposited—			
Act of Feb. 3, 1831.....	38: 25		
Act of Jan. 7, 1904, for interim term, L. P. E.....	70: 20		

Publication required in newspapers—Continued.	p. 1.	Register of Copyrights:	p. 1.
Of renewal term—Continued.		Provision for appointment of,	
Act of July 8, 1870.....	47: 15	act of Feb. 19, 1897.....	67: 40
Rev. Stat., sec. 4954.....	54: 25	Bond of, act of Feb. 19, 1897..	68: 15
Act of Mar. 3, 1891.....	60: 15	Duties of, defined, act of Feb.	
Publisher recommended as copy-		19, 1897.....	67: 40
right beneficiary, res. of Col.		Salary of, \$3,000—	
Cong., May 2, 1783.....	11: 5	Act of Feb. 19, 1897.....	67: 40
Receipt for copies deposited:		Act of Apr. 17, 1900.....	69: 30
Secretary of state required to		Registration, copyright:	
give, North Carolina, act of		State laws—	
Nov. 19, 1785.....	26: 20	Connecticut, act of Jan. sess.,	
Librarian of Congress re-		1783.....	12: 20
quired to give, act of Mar.		Georgia, act of Feb. 3, 1786.	27: 35
3, 1865.....	44: 43	Maryland, act of Apr. 21,	
Postmaster to give, when		1783.....	16: 15
mailed—		New Jersey, act of May 27,	
Act of Feb. 18, 1867.....	46: 1	1783.....	17: 20
Act of July 8, 1870.....	48: 27	New York, act of Apr. 29,	
Rev. Stat., sec. 4961.....	56: 1	1786.....	29: 40
Reciprocity, proclamations pro-		North Carolina, act of Nov.	
viding for.....	87: 1	19, 1785.....	26: 15
Reciprocity provisions:		Pennsylvania, act of Mar. 15,	
State laws—		1784.....	21: 1
Connecticut, act of Jan.		South Carolina, act of Mar.	
sess., 1783.....	13: 35	26, 1784.....	23: 1
Georgia, act of Feb. 3, 1786.	29: 5	Virginia, act of Oct., 1785..	25: 20
Maryland, act of Apr. 21,		United States laws—	
1783.....	16: 35	May 31, 1790.....	33: 30
Massachusetts, act of Mar.		Apr. 29, 1802.....	35: 20
17, 1783.....	15: 5	Feb. 3, 1831.....	38: 5
New Hampshire, act of Nov.		July 8, 1870.....	47: 35
7, 1783.....	18: 35	Rev. Stat., sec. 4957.....	54: 35
New York, act of Apr. 29,		Jan. 7, 1904.....	70: 30
1786.....	31: 10	Fee for—	
North Carolina, act of Nov.		State laws—	
19, 1785.....	26: 40	Pennsylvania, act of Mar.	
Pennsylvania, act of Mar. 15,		15, 1784.....	21: 5
1784.....	21: 25	South Carolina, act of Mar.	
Rhode Island, act of Dec.		26, 1784.....	23: 5
sess., 1783.....	19: 40	United States laws—	
United States laws—		May 31, 1790.....	33: 45
Mar. 3, 1891.....	63: 40	Feb. 3, 1831.....	38: 20
Mar. 3, 1905.....	72: 45	July 8, 1870.....	48: 1
Record, copyright, copy of. <i>See</i>		Rev. Stat., sec. 4958.....	55: 15
certificate of registration.		Mar. 3, 1891.....	61: 25, 35
Records, copyright, control and		Jan. 7, 1904.....	70: 35; 71: 30
preservation of:		For renewal term, required	
Act of July 8, 1870.....	46: 15	within six months—	
Rev. Stat., sec. 4948.....	53: 30	Act of May 31, 1790.....	32: 35
Recovery of damages. <i>See</i> Dam-		Act of Feb. 3, 1831.....	37: 35
ages.		Act of July 8, 1870.....	47: 10
		Rev. Stat., sec. 4954.....	54: 20
		Act of Mar. 3, 1891.....	60: 10



Registration, copyright—Cont'd.	p. 1.	Reservation of copyright:	p. 1.
Of consent of proprietor to publication required, South Carolina, act of Mar. 26, 1784 ..	23: 1	Who may secure—	
Certificate of. <i>See</i> Certificate of registration.		Act of Jan. 7, 1904 .....	70: 5
Remedies for infringement. <i>See</i> Penalties.		Act of Mar. 3, 1905 .....	72: 20
Removal of copyright deposits:		Notice required for, act of Mar. 3, 1905 .....	72: 30
From Department of State to Department of the Interior, act of Feb. 5, 1859 .....	43: 40	Two years, for Louisiana Purchase Exposition, act of Jan. 7, 1904 .....	71: 1
From Department of the Interior to Library of Congress, act of July 8, 1870 .....	50: 37	One year, for book published abroad, act of Mar. 3, 1905 ..	72: 35
Renewal of copyright:		Resolution of Colonial Cong., May 2, 1783, recommending States to pass copyright laws.	11: 1
Publication of, required in newspapers for four weeks—		Revision of copyright laws:	
Act of Feb. 3, 1831 .....	37: 40	First, Feb. 3, 1831 .....	37: 10
Act of July 8, 1870 .....	47: 15	Second, July 8, 1870 .....	46: 15
Rev. Stat., sec. 4954 .....	54: 25	Third, Dec. 1, 1873 (Rev. Stat.)	53: 10
Act of Mar. 3, 1891 .....	60: 15	Revisions of published foreign books, copyrightable, act of Mar. 3, 1891 .....	62: 20
Registration required within six months—		Rhode Island, copyright act, Dec. sess., 1783 .....	19: 10
Act of May 3, 1790 .....	32: 35	Right of representation. <i>See</i> Representation, right of.	
Act of Feb. 3, 1831 .....	37: 35	Rostand (E.) "L'Aiglon," importation of .....	133: 10
Act of July 8, 1870 .....	47: 10	Rowlett (John), to continue copyright in his "Tables of Discount:"	
Rev. Stat., sec. 4954 .....	54: 20	Act of May 24, 1828 .....	73: 10
Act of Mar. 3, 1891 .....	60: 10	Act of Feb. 24, 1830 .....	73: 35
Term of. <i>See</i> Terms of copyright.		Act of Mar. 3, 1843 .....	74: 15
Repealing clause:		Schedule of copyright acts repealed, act of July 8, 1870 ..	
Act of Feb. 3, 1831 .....	40: 40	Schoolcraft (Mrs. Henry R.), copyright in "History, etc., of the Indian tribes" granted to, act of Jan. 25, 1859 .....	76: 1
Act of July 8, 1870 .....	51: 10	Scientific works, Patent Office entitled to duplicate copies deposited, act of July 8, 1870 ...	51: 7
Act of June 18, 1874 .....	58: 30	Sculpture. <i>See</i> Statuary.	
Act of Mar. 3, 1897 .....	69: 15	Seal of Librarian of Congress:	
Report (annual) to Congress, of copyright entries:		Act. of July 8, 1870 .....	46: 20
Act of July 8, 1870 .....	46: 29	Rev. Stat., sec. 4949 .....	53: 40
Rev. Stat., sec. 4951 .....	54: 1	Secretary of State. <i>See</i> State, Department of.	
Report (monthly) of Register of Copyrights, act of Feb. 19, 1897 .....	68: 1	Secretary of the Treasury:	
Representation, unauthorized, penalty for. ( <i>See</i> Penalties for unauthorized performance.)		Required to print catalogue of title entries, act of Mar. 3, 1891 .....	62: 1
Representation of dramatic composition, right of:		To make regulations regarding importations, act of Mar. 3, 1891 .....	62: 5
Act of Aug. 18, 1856 .....	43: 5		
Act of July 8, 1870 .....	46: 45		
Rev. Stat., sec. 4952 .....	54: 10		
Act of Mar. 3, 1891 .....	59: 40		
Act of Mar. 3, 1905 .....	72: 15		

Secretary of the Treasury—Con.	p. l.	States, original, copyright acts of:	p. l.
Joint regulations of Treasury and Post-Office.....	120: 15	Connecticut, Jan. sess., 1783..	11: 25
Decisions of the..... pp. 116, 119, 120, 123, 125, 129–133, 141, 142		Repealing act, Oct. sess., 1812 .....	113: 5
Sheldon (C. M.) In His Steps.		Georgia, Feb. 3, 1786 .....	27: 10
Importation of translations of .....	130: 35	Maryland, Apr. 21, 1783.....	15: 20
Smithsonian Institution, one copy to be deposited in:		Massachusetts, Mar. 17, 1783..	14: 10
Act of Aug. 10, 1846.....	42: 25	New Hampshire, Nov. 7, 1783..	18: 1
Act of Mar. 3, 1855.....	44: 40	New Jersey, May 27, 1783....	16: 40
South Carolina, copyright act, Mar. 26, 1784 .....	21: 37	New York, Apr. 29, 1786.....	29: 15
Spain:		North Carolina, Nov. 19, 1785..	25: 30
Proclamation extending copyright to citizens of, July 10, 1895 .....	92: 21	Pennsylvania, Mar. 15, 1784..	20: 5
Treaty of peace between United States and, Apr. 11, 1899 .....	99: 10	Rhode Island, Dec. sess., 1783..	19: 10
Stage right. See Representation, right of.		South Carolina, Mar. 26, 1784..	21: 40
State, Department of:		Virginia, Oct., 1785.....	24: 30
One copy to be delivered to, act of May 31, 1790 .....	34: 5	[Delaware passed no law.]	
Transmittal of copyright deposits from district courts to, act of Feb. 3, 1831.....	38: 30	Statuary:	
Removal of copyright deposits from, to Dept. of the Interior, act of Feb. 5, 1859.....	43: 35	May be copyrighted—	
State laws to prohibit unlawful performance of dramatic or musical compositions:		Act of July 8, 1870 .....	46: 35
California, act of Mar. 18, 1905..	110: 15	Rev. Stat., sec. 4952.....	54: 5
Connecticut, act of June 7, 1905 .....	111: 25	Act of Mar. 3, 1891.....	59: 35
Louisiana, act of July 9, 1900..	106: 30	Act of Jan. 7, 1904.....	71: 20
Massachusetts, act of March 29, 1904 .....	109: 10	Act of Mar. 3, 1905 .....	72: 10
Michigan, act of June 16, 1905..	112: 1	Deposit of description and photograph required—	
Minnesota, act of Mar. 15, 1905..	109: 35	Act of July 8, 1870.....	47: 25
New Hampshire, act of Mar. 13, 1895.....	105: 15	Rev. Stat., sec. 4956.....	54: 35
New Jersey, act of Apr. 10, 1902 .....	108: 35	Act of Mar. 3, 1891 .....	60: 25
New York, act of Sept. 1, 1899..	106: 1	Act of Jan. 7, 1904.....	71: 30
Ohio, act of Mar. 25, 1902.....	108: 10	Act of Mar. 3, 1905 .....	72: 10
Oregon, act of Feb. 27, 1901..	107: 10	Deposit of description and photograph required—	
Pennsylvania, act of May 29, 1901 .....	107: 35	Act of July 8, 1870.....	47: 25
Wisconsin, act of June 1, 1905..	111: 1	Rev. Stat., sec. 4956.....	54: 35
		Act of Mar. 3, 1891 .....	60: 25
		Act of Jan. 7, 1904.....	71: 30
		Statutory definitions. See Definitions.	
		Subject-matter of copyright:	
		State laws—	
		Connecticut, Jan. sess., 1783..	12: 1
		Georgia, Feb. 3, 1786 .....	27: 20
		Maryland, Apr. 21, 1783.....	15: 30
		Massachusetts, Mar. 17, 1783 .....	14: 25
		New Hampshire, Nov. 7, 1783 .....	18: 15

Subject-matter of copyright—		p. 1.	Suits for infringement of copy-		p. 1.
Continued.			right—Continued.		
State laws—Continued.			United States laws—Cont'd.		
New Jersey, May 27, 1783..	17: 5		July 8, 1870.....	50: 5-35	
New York, Apr. 29, 1786....	29: 25		Rev. Stat. 52: 20-35; 53: 1; 57: 15-30		
North Carolina, Nov. 19,			Mar. 3, 1891.....	62: 45	
1785.....	25: 40		Feb. 9, 1893.....	64: 15	
Pennsylvania, Mar. 15, 1784..	20: 25		Jan. 6, 1897.....	67: 1	
Rhode Island, Dec. sess.,			Defendant in, may plead the		
1783.....	19: 25		general issue—		
South Carolina, Mar. 26, 1784	21: 40		South Carolina, act of Mar.		
Virginia, Oct., 1785.....	24: 30		26, 1784.....	24: 5	
United States laws—			United States laws—		
May 31, 1790.....	32: 10, 25		May 31, 1790.....	34: 25	
Apr. 29, 1802.....	35: 15		Feb. 3, 1831.....	40: 15	
Feb. 3, 1831.....	37: 15		July 8, 1870.....	50: 15	
Aug. 18, 1856.....	43: 5		Rev. Stat., sec. 4969.....	57: 20	
Mar. 3, 1865.....	44: 30		Limitation of action—		
July 8, 1870.....	46: 35		State laws—		
Rev. Stat., sec. 4952.....	54: 5		Maryland, act of Apr. 21,		
Mar. 3, 1891.....	59: 35		1783, twelve months...	16: 25	
Jan. 7, 1904.....	70: 5		South Carolina, act of Mar.		
Mar. 3, 1905.....	72: 10		26, 1784, three months.	24: 10	
Suits for infringement of copy-			United States laws—		
right:			May 31, 1790, one year..	33: 20	
State laws—			Apr. 29, 1802, two years..	36: 20	
Connecticut, act of Jan. sess.,			Feb. 3, 1831, two years...	40: 30	
1783.....	12: 15		July 8, 1870, two years...	50: 10	
Georgia, act of Feb. 3,			Rev. Stat., sec. 4968, two		
1786.....	27: 30; 28: 40		years.....	57: 15	
Maryland, act of Apr. 21,			Right of appeal in—		
1783.....	16: 5		Act of Feb. 15, 1819.....	37: 1	
Massachusetts, act of Mar.			Act of Feb. 18, 1861.....	44: 15	
17, 1783.....	15: 1		Act of July 8, 1870.....	50: 30	
New Hampshire, act of Nov.			Rev. Stat., sec. 699.....	52: 25	
7, 1783.....	18: 30		Notice of copyright necessary		
New York, act of Apr. 29,			to maintain action—		
1786.....	29: 40		Act of July 8, 1870.....	48: 30	
North Carolina, act of Nov.			Rev. Stat., sec. 4962.....	56: 5	
19, 1785.....	26: 10		Act of June 18, 1874.....	57: 40	
Pennsylvania, act of Mar. 15,			Not affected by repealing		
1784.....	20: 40		clause, act of July 8, 1870..		51: 15
Rhode Island, act of Dec.			Sumner (Thomas H.), copyright		
sess., 1783.....	19: 35		of, purchased by United States,		
South Carolina, act of Mar.			act of Aug. 2, 1854.....		75: 25
26, 1784.....	22: 30		Supreme court, appeal to, al-		
Virginia, act of Oct., 1785..	25: 15		lowed:		
United States laws—			Act of Feb. 15, 1819.....	37: 1	
May 31, 1790.....	33: 20		Act of Feb. 18, 1861.....	44: 15	
Apr. 29, 1802.....	36: 5		Act of July 8, 1870.....	50: 30	
Feb. 15, 1819.....	36: 35		Act of Feb. 9, 1893.....	64: 15	
Feb. 3, 1831.....	39: 15, 40		Switzerland, proclamation ex-		
Feb. 18, 1861.....	44: 10		tending copyright to citizens		
			of, July 1, 1891.....		87: 5

"System of surgery," by Wm. Tod. Helmuth, copyright in, act of June 23, 1874.....	p. 1. 76: 40	Terms of copyright—Cont'd.	p. 1.
Tariff acts of 1890 and 1897, free lists .....	115: 21	One year's reservation for foreign authors, act of Mar. 3, 1905 .....	72: 35
Terms of copyright:		Territorial possessions of the U.S.	78: 1
Recommended by Colonial Cong., May 2, 1783, 14 years; renewal 14 years .....	11: 10	Title, deposit of. <i>See</i> Deposit of printed title.	
State laws—		Transfer of copyright. <i>See</i> Assignment of copyright.	
Connecticut, Jan., 1783, 14 years; renewal 14 years..	12: 5, 25	Transitory provisions:	
Georgia, Feb. 3, 1786, 14 years; renewal 14 years..	27: 20, 40	Regarding term of copyright, act of Feb. 3, 1831.....	40: 45; 41: 10
Maryland, Apr. 21, 1783, 14 years; renewal 14 years .....	15: 30; 16: 30	Regarding copyright suits, act of July 8, 1870 .....	51: 15
Massachusetts, Mar. 17, 1783, 21 years .....	14: 25	Translation:	
New Hampshire, Nov. 7, 1783, 20 years .....	18: 20	Right of, reserved to author—	
New Jersey, May 27, 1783, 14 years; renewal 14 years..	17: 5, 30	Act of July 8, 1870 .....	47: 1
New York, Apr. 29, 1786, 14 years; renewal 14 years .....	29: 30; 30: 5	Rev. Stat., sec. 4952 .....	54: 15
North Carolina, Nov. 19, 1785, 14 years .....	25: 44	Act of Mar. 3, 1891 .....	60: 1
Pennsylvania, Mar. 15, 1784, 14 years; renewal 14 years .....	20: 30; 21: 10	Act of Mar. 3, 1905 .....	72: 20, 40
Rhode Island, Dec. sess., 1783, 21 years .....	19: 25	Copyrighted, importation of, prohibited, act of March 3, 1891 .....	61: 15
South Carolina, Mar. 26, 1784, 14 years; renewal 14 years .....	22: 5; 24: 15	English, of foreign book—	
Virginia, Oct., 1785, 21 years..	24: 40	Act of Jan. 7, 1904 .....	71: 5
United States laws—		Act of Mar. 3, 1905 .....	72: 35
May 31, 1790, 14 years; renewal 14 years .....	32: 20, 35	Of American copyrighted books, may be imported—	
Apr. 29, 1802, 14 years (for print) .....	35: 20	Treasury decisions..	130: 35; 132: 25
Feb. 3, 1831, 28 years; renewal 14 years .....	37: 25, 35	Transmission, free, of copyright deposits:	
July 8, 1870, 28 years; renewal 14 years .....	47: 1, 10	Act of Mar. 3, 1855 .....	42: 35
Rev. Stat., secs. 4953, 4954, 28 years; renewal 14 years..	54: 15	Act of Mar. 3, 1865 .....	44: 40
Mar. 3, 1891, renewal 14 years	60: 10	Act of Feb. 18, 1867 .....	45: 40
Extension of existing, act of Feb. 3, 1831 .....	41: 10	Act of July 8, 1870 .....	48: 23
Two years' reservation for Louisiana Purchase Exposition, act of Jan. 7, 1904 ..	71: 1	Act of June 8, 1872 .....	52: 8
		Act of Mar. 3, 1873 .....	113: 32
		Treasonable productions, publication of, illegal:	
		Connecticut, act of Jan. sess., 1783 .....	13: 29
		Georgia, act of Feb. 3, 1786..	29: 1
		New York, act of Apr. 29, 1786..	31: 6
		North Carolina, act of Nov. 19, 1785 .....	27: 1
		Treasury, Department of the: Customs regulations, 1899 .....	119: 31
		<i>See also</i> Secretary of the Treasury.	
		Treaties relating to copyright...	
		China .....	100: 30
		Germany .....	88: 1
		Japan .....	103: 20
		Spain .....	99: 10

Treatises, term of copyright in:	p. 1.	Unlawful plates—Continued.	p. 1.
Massachusetts, act of Mar. 17, 1783 .....	14: 25	Forfeiture of—Continued.	
New Hampshire, act of Nov. 7, 1783 .....	18: 20	United States Laws—Con.	
Rhode Island, act of Dec. sess., 1783 .....	19: 25	Mar. 3, 1891 .....	63: 15
Type set within United States:		Mar. 2, 1895 .....	66: 5
Required—		Destruction of forfeited, act of Apr. 29, 1802 .....	36: 1
Act of Mar. 3, 1891 .....	60: 35	Usher (John), judgment in answer to petition of, Mass. Bay Colony, May 15, 1672 .....	113: 20
Act of Jan. 7, 1904 (U. S. ed.) .....	71: 5	Virginia, copyright act, Oct., 1785 .....	24: 30
Act of Mar. 3, 1905 (U. S. ed.) .....	72: 35	Volume, each, of book, requires separate copyright entry, act of Mar. 3, 1891 .....	63: 35
Books printed abroad from, may be imported—		Who may obtain copyright:	
Treasury decisions . 132: 45; 141: 35		Recommendation of Colonial Cong., May 2, 1783 .....	11: 5
Typesetting in the Philippine Islands .....	84: 10; 114: 5	Constitutional provision, Sept. 17, 1787 .....	31: 40
Unauthorized editions of copyrighted books, importation of, Treasury decision .....	123: 50	State laws—	
University of Cambridge, two copies to be deposited in library of, Massachusetts, act of Mar. 17, 1783 .....	14: 40	Connecticut, act of Jan. sess., 1783 .....	12: 1
Unlawful copies:		Georgia, act of Feb. 3, 1786 .....	27: 20
Forfeiture of—		Maryland, act of Apr. 21, 1783 .....	15: 30
State laws—		Massachusetts, act of Mar. 17, 1783 .....	14: 25
Maryland, act of Apr. 21, 1783 .....	15: 35	New Hampshire, act of Nov. 7, 1783 .....	18: 20
North Carolina, act of Nov. 19, 1785 .....	26: 5	New Jersey, act of May 27, 1783 .....	17: 5
South Carolina, act of Mar. 26, 1784 .....	22: 22	New York, act of Apr. 29, 1786 .....	29: 25
United States laws—		North Carolina, act of Nov. 19, 1785 .....	25: 40
May 31, 1790 .....	33: 10	Pennsylvania, act of Mar. 15, 1784 .....	20: 25
Feb. 3, 1831 .....	39: 10	Rhode Island, act of Dec. sess., 1783 .....	19: 25
July 8, 1870 .....	49: 10	South Carolina, act of Mar. 26, 1784 .....	21: 40; 22: 5
Rev. Stat., secs. 4964, 4965 .....	56: 25, 40	Virginia, act of Oct., 1785 .....	24: 30, 40
Mar. 3, 1891 .....	62: 40; 63: 15	United States laws—	
Destruction of forfeited—		May 31, 1790 .....	32: 10, 25
South Carolina, act of Mar. 26, 1784 .....	22: 22	Apr. 29, 1802 .....	35: 15
Act of May 31, 1790 .....	33: 10	Feb. 3, 1831 .....	37: 15, 30
Unlawful plates:		Aug. 18, 1856 .....	43: 5
Forfeiture of—		Mar. 3, 1865 .....	44: 35
United States laws—		July 8, 1870 .....	46: 35; 47: 5
Apr. 29, 1802 .....	35: 43	Rev. Stat., sec. 4952 .....	54: 5, 20
Feb. 3, 1831 .....	39: 30	Mar. 3, 1891 (international copyright act) .....	59: 35; 60: 5; 63: 40
July 8, 1870 .....	49: 25		
Rev. Stat., sec. 4965 .....	56: 40		

Who may obtain copyright—	p. l.	Works of the fine arts. <i>See</i> Fine	p. l.
Continued.		arts, works of the.	
United States laws—Cont'd.		Writ of error allowed in copy-	
Jan. 7, 1904 (interim copy-		right cases:	
right act).....	70: 5; 71: 25	Act of Feb. 15, 1819.....	37: 1
Mar. 3, 1905.....	72: 5, 20, 45	Act of Feb. 18, 1861.....	44: 15
Williamson (Hugh), of North		Act of July 8, 1870.....	50: 30
Carolina, Colonial Cong., May		Rev. Stat., sec. 699 .....	52: 25
2, 1783.....	11: 1	Act of Feb. 9, 1893 .....	64: 15
Wisconsin, penalty for unauthor-		Writings. U. S. Constitution ..	31: 40
ized representation, act of June		<i>See also</i> Book.	
1, 1905.....	111: 1		

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